



Road transport: Commission requests Austria to ensure its minimum wage legislation does not unduly restrict the internal market

Brussels, 27 April 2017

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Whilst fully supporting the principle of national minimum wages, the Commission considers that the application of the Austrian legislation to all international transport operations with unloading and/or uploading on the Austrian territory restricts the freedom to provide services and the free movement of goods in a disproportionate manner.

In particular, the application of the Austrian measures to international transport operations which do not have a sufficient link to Austria cannot, in the Commission's view, be justified, as it creates disproportionate administrative burdens which prevent the internal market from functioning properly. The Commission considers that more proportionate measures are available to safeguard the social protection of workers and to ensure fair competition, whilst allowing for free movement of services and goods.

Therefore, following an exchange of information with the Austrian authorities and a thorough legal assessment of the Austrian measures, the Commission decided today to send a letter of formal notice to Austria. This constitutes the first step in the infringement procedure. The Austrian authorities now have two months to respond to the arguments put forward by the Commission in the letter of formal notice.

Upcoming Mobility Package

As comparable legislation exists in different Member States having adverse effects on the internal market, the Commission is working on a sustainable solution to the issue at stake. The Commission aims in particular at ensuring a balance between the social protection of road transport workers, fair competition and the freedom of providing transport cross-border services.

The Commission, therefore, envisages proposing in the coming weeks a clarification of the application of posting conditions to road transport as well as effective enforcement measures which do not impose disproportionate administrative burdens on companies operating in the sector or on their workers.

Background

Creating a deeper and fairer internal market is a top priority for this Commission. Fighting social dumping, while safeguarding all four freedoms of the internal market, is key to achieve this goal. The European Commission, therefore, supports the principle of minimum wages. However, as guardian of the Treaties, the Commission must also ensure that the application of national measures is fully compatible with EU law, in particular the Posting of Workers Directive (Directive 96/71/EC), the transport acquis, the freedoms guaranteed by the Treaties, notably the freedom to provide services and the free movement of goods, and the principle of proportionality.

Similar infringement procedures against [Germany](#) and [France](#) for their application of minimum wage legislation to the transport sector are ongoing.

For More Information

- On the key decisions in the April 2017 infringements package, see full [MEMO/17/1045](#).

- On the general infringements procedure, see [MEMO/12/12 \(and info graph\)](#).
- On the [EU infringements procedure](#).

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