



MEMORANDUM OF UNDERSTANDING

BETWEEN THE ORGANISATIONS OF INTERNATIONAL HAULIERS OF THE “NEW” EU MEMBERS (2004) FORMING THE “ALLIANCE FOR THE FUTURE OF THE TRANSPORT”

WARSAW, 28.04.2017

The Union of International Hauliers (Bulgaria), Transport and Logistics Poland (TLP), the Lithuanian National Road Carriers' Association Linava, Romanian Association for International Road Transport ARTRI and the Association of Croatian Road Carriers initiated an internal discussion on the current legal and political situation in the international transport sector on 28 April 2017 in Warsaw, during a meeting of international hauliers of Central and Eastern Europe (hereinafter the “Organisations”).

The purpose of the meeting was to create a platform for regular cooperation and exchange of information between the Organisations regarding the upcoming Road Initiatives, and any other legislative action on the European and local level that may affect the proper functioning of the Single Market.

WHEREAS the Organisations are voluntary and self-governing organisations that conduct their statutory activity independently from both government and local administration authorities, as well as other organisations

WHEREAS the Organisations' mission is, in particular, to take action to eliminate barriers to conducting business and statutory activity in the scope of domestic and international road transport, transport for their own needs, freight forwarding and logistics, and to share the best practices in the transport sector regarding the conditions of employment of international drivers

WHEREAS the Organisations wish to focus on protecting and improving employment conditions of employees in the transport sector, which should be proportionate to the aims of the free movement of goods, persons, services and capital,

WHEREAS the Organisations wish to share the best practices among the members of their organisations related to securing a high level of employment of international drivers in their countries

WHEREAS the Organisations intend to place special attention to strengthening the dialogue with social partners on the local and European level, in particular with the trade unions in the transport sector. The Organisations underline that active dialogue with the representatives of international drivers brings added value to the discussion on the employment conditions in the transport sector.

WHEREAS the Organisations intend to establish an alliance of Organisations (hereinafter “the Alliance”) in order to protect the rights and legitimate interests of international hauliers in their countries regarding the transport and social legislation in the European Union, as well as to develop the international cooperation of the Organisations and increase their presence by the European Union institutions;

WHEREAS the Organisations do not support any European or local legal regulations that may lead directly or indirectly to a situation where exercising EU freedoms will become illusory and less attractive for businesses (C-19/92), or in any way interfere with the free movement of goods or constitute measures equivalent to the prohibited quantitative restrictions.

WHEREAS the Organisations have already initiated a set of concrete legal actions to secure the free movement of services and goods in the European Union endangered by the German, French, Austrian country regulations by Organisations filing the respective claims to the European Commission on French Law No 2015-990 on the growth, activity and equality of economic opportunities (*Loi n° 2015-990 du 6 août 2015 pour la croissance, l'activité et l'égalité des chances économiques*) of 6 August 2015, i.e. its Article 281 I, on French Decree No 2016-418 of 7 April 2016 adapting Title VI of Book II of the first part of the Labour Code to transport companies posting workers in road and water transport in the national territory and modifying the Transport Code, on the Austrian Law on counteracting wage and social dumping. (*Lohn-und Sozialdumping-Bekämpfungsgesetz*) as well as a claim to the French Supreme Administrative Court (*Conseil d'Etat*) on Decree No 2016-418 of 7 April 2016. The contested provisions are contrary to the creation of a single transport area, and lead to the fragmentation of the EU Internal Market.

WHEREAS the Organisations intend to enter into a Memorandum of Understanding setting out the rules of cooperation allowing the Organisations, in the form of an Alliance, to most effectively present their views on the transport and social issues being the subject of legislative activity at the European and local level

WHEREAS the Memorandum and Alliance do not limit the rights of the Organisations to follow the instructions of their members related to the political and legal positions in the aspect described in this Memorandum, as well as individual activities of the Organisations in line with their statutory obligations arising from the respective Statutes, Articles of Associations or binding provisions of local law.

Therefore, the Organisations hereby agree as follows:

1. Purpose

The purpose of this Memorandum is to provide a framework for the cooperation between the Organisation, and to form the Alliance of Organisations, which would be open for other organisations of hauliers.

2. Common arrangements of the Organisations

The Organisations acknowledge that they create an Alliance, and therefore undertake to work together in the following main, non-exhaustive, fields of activities in a spirit of partnership, to ensure that there is a coordinated, visible and responsible vision for the development of the international transport sector of the European Union with respect to non-discrimination rules.

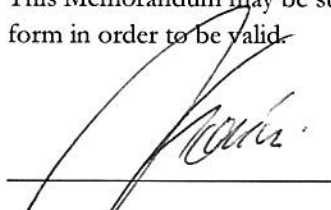
3. Main scope of the Alliance

The main scope of cooperation within the Alliance will include:

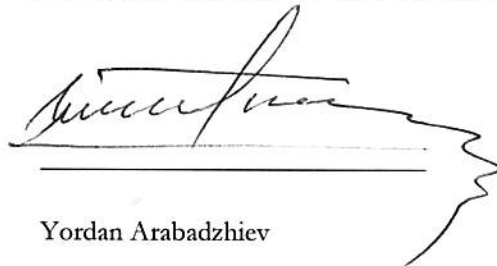
- a) drawing up common positions regarding the revision of Regulation 561/2006 (including the infringement cases related to weekly breaks in France, Belgium, Germany), Regulation 1071/2009 and Regulation 1072/2009, Regulation 1073/2009, Posting of Workers Directive 96/71 and its revision as well as Directive 2014/67 and Regulation 883/2004 and Regulation 987/2009 or any other EU or local regulation affecting the free movement of services in the transport sector;
- b) joint actions, including legal initiatives, aimed at eliminating any forms of discrimination of the International Hauliers, protectionism on the Single Market and any obstacles affecting Schengen border system in the aspect of free movement of persons and services.
- c) providing the expertise and support in an effective development of programmes and strategies for the sustainable development of the international transport and the high level of employment of international drivers
- d) unifying and promoting the efforts of the Organisations to regulate professional ethics in the field of transport services and prevention of discrimination of the road transport industry.
- e) promoting the common positions of the Organisations in the field mentioned in this Memorandum to the bodies of the European Commission, the European Parliament, the European Council and any international and the national legislative and executive powers.

The list of specific actions and their schedule is attached to this Memorandum (undisclosed).

This Memorandum may be subject to further amendments in the form of annexes, which must be in written form in order to be valid.




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