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## MOTION FOR A RESOLUTION

further to the Commission statement

pursuant to Rule 37(2) of the Rules of Procedure

by Theodorus J.J. Bouwman, Jean Lambert, Jillian Evans, Claude Turmes and  
Johannes Voggenhuber

on behalf of the Verts/ALE Group

on the situation of lorry drivers blocked in Luxembourg

**European Parliament resolution on the situation of lorry drivers blocked in Luxembourg**

*The European Parliament,*

- having regard to European Court of Justice Case C-43/93, which implies that there is no requirement that drivers obtain their work permits and social insurance in the same country as the licence,
- having regard to the International Road Transport Union (IRU) press release, asking the Commission to speed up the introduction of the recently agreed attestation for non-EU drivers working in the EU and demanding more effective enforcement of existing road transport regulations and the strengthening of criteria governing the establishment of transport companies,
- A. whereas a court in Munich, Germany, has taken legal action against the management of Kralowetz, a Luxembourg freight company which had employed hundreds of lorry drivers from Central European countries illegally,
- B. whereas Germany asked for legal assistance from other Member States involved,
- C. whereas the drivers were employed without work or residence permits,
- D. whereas the drivers had been paid EUR 0.1 per km, a system which is strictly forbidden in the EU for safety reasons,
- E. whereas hundreds of Central and East European lorry drivers, from Slovakia, the Czech Republic, Poland and Romania, became stranded in Luxembourg and France and had not been paid for several months,
- F. whereas every day on the EU's roads, thousands of lorry drivers are apparently driving without a legal contract, proper pay, social security or working time restrictions,
- G. whereas the current national and European legislative frameworks do not provide for sufficient guarantees, support and protection for migrant workers in irregular positions, in particular if they are third-country nationals, as required pursuant to UN International Convention 45/158 of 18 December 1990 on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- H. whereas this proves that there is still a serious lack of monitoring of the working time and legal status (social conditions, insurance and taxation) of drivers,
- I. whereas this underlines the importance of extending the EU insolvency regulation,
- J. whereas there appears to be a lively black market in CEMT licences, as pointed out by many drivers interviewed by the Luxembourg press and as also referred to in the report of

the European Parliament's Directorate-General for Research on 'Social dumping in the road haulage business by operators from third countries' of February 2001, which points out the failure of the ECMT system in this respect,

- K. whereas many EU-based haulage companies reportedly exploit verification problems, which result from the differences in national legislation,
- L. whereas this shows the need to open the market to East European workers in a socially acceptable and controlled way,
  - 1. Urges the Commission to make sure that, although the drivers concerned have been taken home, steps are taken to provide for settlement of their claims for unpaid salaries and compensation for damages;
  - 2. Calls on the Commission to carry out an in-depth inquiry into the Kralowetz case in close cooperation with the Member States, the unions, and the drivers concerned;
  - 3. Urges EU Member States to ratify and put into practice UN International Convention 45/158 of 18 December 1990 on the Protection of the Rights of All Migrant Workers and Members of their Families;
  - 4. Calls on the Commission and the Member States to harmonise the regulation of the transport market: work permits, drivers' attestation and education, transport licence, legal contracting, attestation regarding social security payments and tax obligations; urges the Commission and the Member States to establish an effective control mechanism with regard to employers' obligations;
  - 5. Stresses that the candidate countries' gradual integration into the European road transport market under international agreements and in the context of EU enlargement has to be accompanied by additional safety rules and social safeguard measures; urges in particular that it be ensured that transit agreements on road freight transport between the EU and third countries include such standards;
  - 6. Demands that the ECMT adopt its rules (for instance ECMT multilateral quota systems) in accordance with present and future EU rules;
  - 7. Urges the Commission to arrange provisional measures and an increase in monitoring until the Commission proposal of 22 November 2000 (COM (2000) 751) has entered into force, as is planned for 2003;
  - 8. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the candidate countries, and the social partners.