

**Question for written answer E-005337/2014
to the Commission
Rule 117
Ole Christensen (S&D)**

Subject: International transport and employment conditions

The firm Kim Johansen International Transport A/S is located in Denmark. As at January 2014, Kim Johansen Transport Group had some 714 employees, none of whom was resident in Denmark. The concern has 374 registered goods vehicles; some 300 are registered in Denmark. Pay, pensions and unemployment benefits are subject to Estonian terms and conditions.

The Employment Tribunal in Denmark has denied a Danish trade union the right to take industrial action to secure Danish pay levels for some 700 eastern European drivers working for the haulier Kim Johansen. The reason given is that the firm does not conduct a sufficient volume of haulage operations within Denmark and that the drivers are employed through an Estonian subsidiary, Kim Johansen Transport OÜ.

Arrangements are made to transport drivers from their countries of residence to the localities where they are to start their haulage assignments, and subsequently back home from where their assignments end. Drivers are often flown to and from Amsterdam, Frankfurt and Copenhagen¹.

The drivers are therefore operating in north-west Europe and, as a result, pay is being squeezed for Danish, German, French and Dutch drivers. According to the Rome Convention, transport contracts are subject to the law of the country where the haulier has his habitual residence. It is further laid down that the law applicable to contracts for the carriage of goods is determined on the basis of the place where the goods are loaded or unloaded or of the consignor's principal place of business.

In the light of this, does the Commission regard it as appropriate and lawful that Kim Johansen should employ its drivers on the basis of Estonian terms and conditions while its operations take place in north-west Europe and its vehicles are registered in Denmark?

¹ <http://www.arbejdsretten.dk/media/1111466/dom%20ar2014.0028.pdf>