

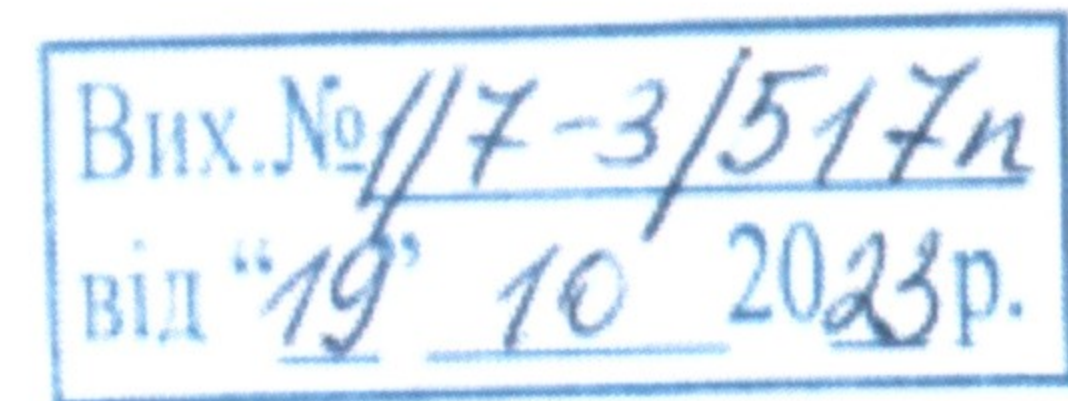
Association of  
International Road  
Carriers of Moldova  
AITA



Association of  
International Road  
Carriers of Türkiye  
UND

Number : UND-023/1583  
Date : 19.10.2023

Association of  
International Road Carriers  
of Ukraine  
AsMAP UA



Mr. Eduart Kasa  
BSEC URTA President

Mr. Mehmet Uylukcu  
BSEC URTA Secretary General

Dear Mr. Kasa,

Dear Mr. Uylukcu,

We, the Associations of International Road Carriers of Moldova (AITA), Türkiye (UND) and Ukraine (AsMAP UA), kindly ask you to include in the Agenda of the General Assembly of the Union of Road Transport Associations of the Black Sea Region (BSEC-URTA) for discussion and adoption of joint actions an urgent issue for carriers of the region from countries that are not members of the European Union - "Negative impact on carriers from third countries in connection with the adoption in the Republic of Poland of the Law "On posting workers in road transport "".

As you know, on August 19, 2023, the Law of the Republic of Poland "Posting workers in road transport" (hereinafter the Law) entered into force, which provides for drivers and carriers from third countries carrying out bilateral transportation and transportation to/from Poland:

- registration of posted drivers on the website of the Labor Agency of the Republic of Poland,
- the driver obliged to present during control "the Confirmation of the posting Declaration of a driver" (hereinafter the Confirmation) in paper form, respectively signed by the driver and the head of the carrier company.
- the driver's salary during his stay in Poland must meet certain requirements.

The Law also establishes significant fines for violation of the above requirements.



But the practical implementation of the provisions of the Law causes great difficulties for the carriers of our countries, causes both additional financial costs and loss of working time.

Namely:

To date, electronic registration of the Declaration of posting driver from third countries in the Polish system <https://www.biznes.gov.pl> is not possible without to obtain the Polish electronic signatures, which leads to additional administrative and financial burden on carriers. The procedure for registering and filling in relevant information about posting driver on the specified site is complex and cumbersome.

The solution to this problem would be to enable Poland to recognize electronic signatures - electronic keys issued by national authorities of third countries (Moldova, Türkiye, Ukraine and others).

In addition, the registration of posted drivers should be done before each transportations to Poland and not for trips in a certain period of time.

It would be more logical to inform about posting drivers once every 6 months or 1 year, as it happens, in particular, when confirming the minimum salary for drivers carrying out transportation to / from Germany.

There are also problems with to issue for driver the original form of Confirmation in paper, when the driver starts the trip from a place other than the place of company registration. When transit transportation through Poland is fulfilled, it is difficult to predict whether there will be a return transportation from Poland to, respectively, Moldova, Türkiye, Ukraine, and to ensure that the driver has the Confirmation in paper on board. Along with this, in a number of countries of the region, the use of seals is not mandatory, and a significant part of documents can have a digital form. At this stage of the development of technical means, it is sufficient for the driver to provide for control a scanned copy of the Confirmation in a smartphone / phone / tablet instead of a paper document.

In the comments on the website <https://www.biznes.gov.pl> regarding the Law, it is noted that the salary of posted drivers must be at least 70% of the average salary in the relevant region of Poland.

It is desirable to have a fixed rate established for a certain period, as in Germany, France, a correspondingly calculated and justified amount.

In our opinion, this Law exceeds the requirements of the Mobility Package 1 in terms of extending its provisions to drivers and carriers from third countries.

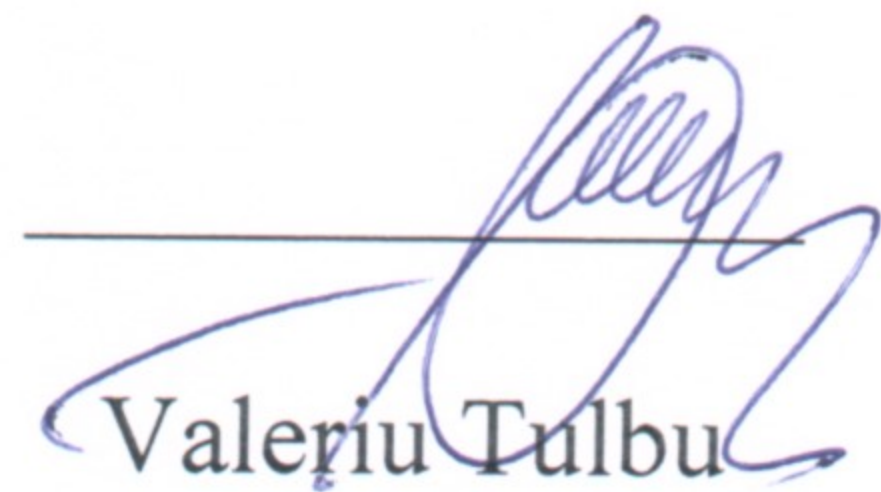
And the only reasonable solution is to withdraw its provisions regarding the extension to drivers and carriers from third countries from the Law.



We, the Associations of International Road Carriers of Moldova (AITA), Türkiye (UND) and Ukraine (AsMAP UA), kindly ask General Assembly of the BSEC-URTA to support road transport carriers of the region from the countries not members of the European Union, and to appeal to the International Road Transport Union, the Government of the Republic of Poland and the European Commission regarding the elimination of discrimination in the Republic of Poland of carriers from third countries that carry out bilateral transportation to/from this country.

With respect and hope for understanding and support,

AITA President



Valeriu Tulbu

UND President



Şerafettin Aras

AsMAP UA President



Leonid Kostiuchenko