LA RESPONSABILITÀ SOLIDALE DEL COMMITTENTE NEL CONTRATTO DI AUTOTRASPORTO DI COSE PER CONTO TERZI

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Law 190/2014 has brought a number of major changes within the Italian domestic legislation concerning the carriage of goods by road. Among those changes, one of the most significant has certainly been the introduction — at article 83-bis, para 4-bis et seqq. of Law Decree 112/2008, converted into Law 133/2008 — of a regime of joint and several liability of the customer for the remunerations, social security contributions and insurance premiums owed by the carrier to the workers employed for the performance of the contract services.

Although partially and only to the limited extent of road haulage on behalf of third persons, the reform fills the legal gap that existed, under this specific aspect, with the discipline of general works and services contracts, that are subject to the regime of joint and several liability of the customer laid down by article 29.2 of Legislative Decree 276/2003.

The essay investigates the aims behind the introduction of this new form of liability, the way in which it is linked to the abrogation of the minimum safety costs in the carriage of goods by road, as well as the content of the new legal provisions.

In particular, a comparative analysis between the regimes of joint and several liability of the customer in the context of the carriage of goods by road and under Legislative Decree 276/2003 is conducted, pointing out the main differences between the two disciplines, with specific regard to the exemption of liability granted to road haulage customers that, before executing the contract of carriage, undertake the procedure of verification of the regularity of the carrier, now provided for at article 83-bis, para 4-bis and 4-quarter of Law Decree 112/2008.

Finally, an evaluation of the main critical aspects of the reform is made, analyzing its scope and limits of application, the way in which the obligations respectively borne by the customer and by the carrier under the new legislation interact between them, and the problems that might emerge in cases in which the carriage service is sub-contracted by the carrier to a sub-carrier.