AMENDMENTS 001-104
by the Committee on Transport and Tourism

Report
Merja Kyllönen A8-0206/2018
Enforcement requirements and specific rules for posting drivers in the road transport sector


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Amendment 1

Proposal for a directive
Title 1

Text proposed by the Commission
Proposal for a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector

Amendment
Proposal for a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Amendment 2

Proposal for a directive
Recital -1 (new)

Text proposed by the Commission
Proposal for a

Amendment

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(1) Given the high mobility of workforce in the road transport sector, sector-specific rules are needed to ensure the balance between the freedom to provide cross-border services for operators, the free movement of goods and the social protection of drivers. Therefore, the aim of this directive is to provide legal certainty and clarity, to contribute to the harmonization and fostering of enforcement and to the fight against illegal practices and lower administrative burden.

Amendment 3
Proposal for a directive
Recital 1

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure adequate working conditions and social protection for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.

Amendment 4
Proposal for a directive
Recital 1 a (new)

(1a) Any national rules applied to road transport must be proportionate and justified and must not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaties, such as the freedom of movement of goods and the freedom to provide services in particular as guaranteed by the Treaties.
Amendment 5
Proposal for a directive
Recital 2

*Text proposed by the Commission*

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled and that operators are not faced with disproportionate administrative barriers unduly restricting their freedom to provide cross-border services.

*Amendment*

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled and that operators, most (90%) of which are SMEs with fewer than 10 workers, are not faced with disproportionate administrative barriers or abusive and discriminatory controls, unduly restricting their freedom to provide cross-border services.

Amendment 6
Proposal for a directive
Recital 2 a (new)

*Text proposed by the Commission*

(2a) Any national rules applied to road transport must be proportionate as well as justified and must not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaties, such as the free movement of goods and the freedom to provide services in order to maintain or even increase the competitiveness of the Union, including the costs of products and services by respecting the working conditions and social protection for drivers as well as respecting the specificities of the sector since drivers are highly mobile workers, not posted workers.

*Amendment*

(2a) Any national rules applied to road transport must be proportionate as well as justified and must not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaties, such as the free movement of goods and the freedom to provide services in order to maintain or even increase the competitiveness of the Union, including the costs of products and services by respecting the working conditions and social protection for drivers as well as respecting the specificities of the sector since drivers are highly mobile workers, not posted workers.
Amendment 7
Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The balance between enhancing social and working conditions for drivers and facilitating the exercise of the freedom to provide road transport services based on fair competition between national and foreign operators is crucial for the smooth functioning of the internal market.

Amendment

(3) The balance between enhancing social and working conditions for drivers and facilitating the exercise of the freedom to provide road transport services based on fair, proportionate, non-discriminatory competition between national and foreign operators is crucial for the smooth functioning of the internal market. Any piece of national legislation or policy for implementation at national level in the transport sector must therefore be conducive to the development and strengthening of the single European transport area and in no way contribute to the fragmentation of the internal market.

Amendment 8
Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty and unequal treatment of drivers and operators, which is detrimental to the working, social and competition conditions in the sector.

Amendment

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified, as well as illegal practices, such as the use of letterbox companies. Additional emphasis should be put on fighting against undeclared work in the transport sector. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules, creating a heavy administrative burden for drivers and operators. This creates legal uncertainty, which is detrimental to the working, social and competition conditions
in the sector.

Amendment 9
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

(4a) In order to ensure that Directives 96/71/EC\(^{1a}\) and 2014/67/EU\(^{1b}\) of the European Parliament and of the Council are correctly applied, controls and cooperation at Union level to combat fraud relating to the posting of drivers should be strengthened, and stricter checks should be carried out to ensure that social contributions for posted drivers are actually paid.


Amendment 10
Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Adequate, effective and consistent enforcement of the working time provisions is crucial for protecting the...

Amendment

(5) Adequate, effective and consistent enforcement of the working time and rest...

for improving
working conditions of drivers and preventing the distortions of competition resulting from non-compliance. Therefore it is desirable to extend the existing uniform enforcement requirements set out in Directive 2006/22/EC to controlling compliance with the working time provisions set out in Directive 2002/15/EU.

road safety, protecting the working conditions of drivers and preventing the distortions of competition resulting from non-compliance. Therefore it is desirable to extend the existing uniform enforcement requirements set out in Directive 2006/22/EC to controlling compliance with the working time provisions set out in Directive 2002/15/EU. The possibility of combining checks on driving time and working time with checks on rules on posting of drivers should be also available without additional administrative burden. Checks of compliance with working time should be limited to checks carried out at the premises of transport operators until technology is available that allows the checks on working time to be carried out effectively at the roadside.

Amendment 11
Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

(5a) Having in mind the specific character of transport services and the direct impact on the free movement of goods, with special focus on road safety and security, roadside checks should be limited to the minimum. Drivers should not be liable for additional administrative obligations of their respective companies. Rules on working time should be checked at the premises of the transport operator only.

Amendment 12
Proposal for a directive
Recital 5 b (new)

Text proposed by the Commission

(5b) In order to allow more efficient, faster and more numerous roadside
checks while reducing the administrative burden on drivers, compliance with Directive 2002/15/EC should be verified by inspections on company premises rather than roadside checks.

Amendment 13  
Proposal for a directive  
Recital 6 a (new)

Text proposed by the Commission  
Amendment

(6a) With a view to fostering effective administrative cooperation and an effective exchange of information, Member States should interconnect their national electronic registers (NER) through the European Register of Road Transport Undertakings (ERRU) system, with a legal basis in Article 16(5) of Regulation (EC) No 1071/2009. Member States should take all necessary measures to ensure that the national electronic registers are interconnected, so that the competent authorities of the Member States, including road inspectors, can have direct real-time access to the data and information in the ERRU.

Amendment 14  
Proposal for a directive  
Recital 6 b (new)

Text proposed by the Commission  
Amendment

(6b) To facilitate better and more uniform application of the minimum conditions for the implementation of Regulation (EC) No 561/2006, Regulation (EU) No 165/2014 and Directive 2002/15/EC, and to facilitate road transport operators’ compliance with administrative requirements when posting drivers, the Commission should develop one or several modules of IMI for submitting declarations in posting and an
electronic application that will provide inspectors direct real-time access to the ERRU and IMI during roadside checks.

Amendment 15
Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to ensure a fair competition and level playing field for workers and business there is a need to make progress towards smart enforcement and to provide all possible support for the full introduction and use of risk-rating systems. To this end, the enforcement authorities need to be given real-time access to national electronic registers (NERs), while making maximum use of the European Register of Road Transport Undertakings (ERRU).

Amendment 16
Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Rules on the posting of workers applicable to road transport activities should be balanced, simple, and with a low administrative burden for Member States and transport undertakings. They should not aim to discourage operations outside the country of establishment of an undertaking.

Amendment 17
Proposal for a directive
Recital 9
(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for non-resident Union operators. This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.


Amendment 18

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated legal uncertainty, distortions of competition in the transport sector and high administrative burdens for non-resident Union operators. This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs and the competitiveness of transport companies. Administrative requirements and control measures need to be harmonised to prevent carriers from suffering unnecessary or arbitrary delays.


Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Member States should exchange data and information, engage in administrative cooperation and provide mutual assistance via the Internal Market Information System (IMI) – whose legal basis is provided by Regulation (EU) No 1024/2012 – with a view to ensuring full compliance with the rules. Similarly, the IMI should be used to submit and update posting declarations between transport operators and the competent authorities of the receiving Member States. In order to achieve this latter objective, it would be necessary to develop a parallel public interface within the IMI system to which transport operators would have access.

Amendment 19

Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) All actors in the delivery chain for goods should bear their fair share of responsibility for infringements of the rules provided for in this Directive. This should be the case where the actors have actually known of infringements or where, in the light of all the relevant circumstances, they ought to know of them.

Amendment 20

Proposal for a directive
Recital 9 c (new)

Text proposed by the Commission

Amendment

(9c) In order to ensure that control
measures for the posting of drivers in the road transport sector are correctly applied as defined by Directives 96/71/EC and 2014/67/EU, controls and cooperation at Union level to tackle fraud relating to the posting of drivers should be strengthened.

Amendment 21

Proposal for a directive
Recital 9 d (new)

Text proposed by the Commission

(9d) Contractors should be encouraged to act with social responsibility by using transport operators that comply with the rules provided for by this Directive. To make it easier for contractors to find such transport operators, the Commission should assess existing instruments and best practices promoting socially responsible behaviour of all actors in the delivery chain for goods with a view to establishing a European platform of trusted transport companies, if appropriate.

Amendment 22

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

(10a) Given the fact that there is a lack of drivers in Europe, their working conditions should be significantly improved in order to increase the attractiveness of the profession.

Amendment 23

Proposal for a directive
Recital 11
11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

Amendment 24
Proposal for a directive
Recital 12

11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators. Provisions on the posting of workers, in Directive 96/71/EC, and on the enforcement of those provisions, in Directive 2014/67/EU should apply to road transport sector under the terms of this Directive.

Amendment

12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations (EC) No 1072/2009 and (EC) No 1073/2009 since the entire transport operation is taking place in a host Member State. As a consequence, Directive 96/71/EC and Directive 2014/67/EU should apply to cabotage. Furthermore, the rules on posting should also apply to the road leg of the combined transport, as referred to in Directive 92/106/EC, provided that the road leg is carried out within the same Member State.

access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).


Amendment 25
Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

(12a) Directive 96/71/EC should apply to cabotage operations as defined by Regulations (EC) No 1072/2009 and (EC) No 1073/2009 since the entire transport operation is taking place in a host Member State and there is a direct competition with local undertakings. As a consequence Directive 96/71/EC should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

Amendment

Amendment 26
Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission

(12b) Since there is no sufficient link of a driver with a territory of a Member State of transit, transit operations should not be considered as posting situations.
Amendment 27

Proposal for a directive
Recital 12 c (new)

Text proposed by the Commission

(12c) Road transport is a highly mobile sector and requires a common approach to certain aspects of remuneration in the sector. Transport undertakings need legal certainty about the rules and requirements with which they have to comply. Those rules and requirements should be clear, understandable and easily accessible to transport undertakings, and should enable effective checks. It is important that new rules do not introduce unnecessary administrative burden and that they duly take into account the interests of SMEs.

Amendment 28

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

Amendment 29

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph. With a view to minimising the complexity of the obligations laid down in this Directive and Directive 96/71/EC, Member States should be free to impose only the administrative requirements specified in this Directive – which have been tailored to suit the road transport sector – on road transport operators.
### Amendment 30

**Proposal for a directive**  
**Recital 13 b (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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</tr>
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<tbody>
<tr>
<td>(13b) In order to facilitate the implementation, application and enforcement of this Directive, the internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 should be used in Member States for the enhanced exchange of information between regional and local authorities across borders. It could also be an advantage to extend the features of IMI to include the submission and transmission of simple declarations.</td>
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### Amendment 31

**Proposal for a directive**  
**Recital 13 c (new)**

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**Proposal for a directive**  
**Recital 13 a (new)**

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<td>(13a) With a view to minimising the administrative burden and document management tasks incumbent on drivers, transport operators shall provide, at the request of the competent authorities in the Member State in which the operator is based, all necessary documents, as set out in the provisions of Chapter III of Directive 96/71/EC on mutual assistance and cooperation between Member States.</td>
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**Proposal for a directive**  
**Recital 13 b (new)**

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by transport operators through standardised forms with some pre-defined elements translated in all official languages of the Union.

Amendment 32
Proposal for a directive
Recital 13 d (new)

Text proposed by the Commission

(13d) A general implementation and application of the rules for the posting of workers to road transport could impact the structure of the Union road freight transport industry. Therefore, Member States and the Commission should closely monitor the impact of this process.

Amendment 33
Proposal for a directive
Recital 13 e (new)

Text proposed by the Commission

(13e) Enforcement should concentrate on inspections at the premises of the undertakings. Roadside checks should not be excluded but should be undertaken in a non-discriminatory manner only for consignment notes or their electronic versions, confirmations of the pre-registration and attestation for return to country of operator’s establishment or driver’s residence. Roadside checks should control in the first place tachographs data which is important to determine the activity of a driver and vehicle over a four-week rolling period and the geographical coverage of this activity. The recording of the country code can help.

Amendment 34
Proposal for a directive
Recital 13 f (new)

Text proposed by the Commission

(13f) The impact of the application and the enforcement of the rules on the posting of workers on the road transport industry should be repeatedly evaluated by the Commission and reported to the Parliament and the Council, and proposals should be made to further simplify them and reduce the administrative burden.

Amendment 35
Proposal for a directive
Recital 13 g (new)

Text proposed by the Commission

(13g) In recognition of the need for specific treatment for the transport sector, in which movement is the very essence of the work undertaken by drivers, the application of Directive 96/71/EC to the road transport sector should coincide with the date of entry into force of the act amending Directive 2006/22/EC as regards enforcement requirements, and specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector.

Amendment 36
Proposal for a directive
Recital 13 h (new)

Text proposed by the Commission

(13h) In order to adapt the Annexes of this Directive to developments in best practice, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European
Union should be delegated to the Commission in respect of amending those Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 37

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The exchange of information in the context of effective administrative cooperation and mutual assistance between Member States should comply with the rules on personal data protection laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council.


Amendment 38
**Proposal for a directive**

Recital 14 b (new)

*Text proposed by the Commission*

(14b) Rules to safeguard good social conditions across the European road haulage market should be respected by all partners in the supply chain. In order to create an economically and socially sustainable European internal market, a chain of responsibility that covers all actors in the logistical chain should be established and implemented. Enforcing transparency and liability and increasing social and economic equality will increase the attractiveness of the driver as a profession and promote healthy competition.

**Amendment 39**

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a
Directive 2006/22/EC
Article 2 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling within the scope of Directive 2002/15/EC.

*Amendment*

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and, in the case of checks at premises, of mobile workers and drivers falling within the scope of Directive 2002/15/EC.

**Member States shall organise roadside checks on the implementation of Directive 2002/15/EC only after the introduction of technology enabling effective checks to be carried out. Until then those checks shall be carried out exclusively at the premises of the transport undertakings.**
Amendment 40

Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b
Directive 2006/22/EC
Article 2 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU) 165/2014 and Directive 2002/15/EC are checked.

Amendment

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU) No 165/2014 and Directive 2002/15/EC are checked. Following roadside checks and where the driver is not in capacity to submit one or more of the required documents, the drivers shall be released to continue their transport operation and the transport operator in the Member State of establishment is obliged to submit the required documents via competent authorities.

Amendment 41

Proposal for a directive
Article 1 – paragraph 1 – point 3 – point c
Directive 2006/22/EC
Article 2 – paragraph 4

Text proposed by the Commission

4. The information submitted to the Commission in accordance with Article 17 of Regulation (EC) No 561/2006 shall include the number of drivers checked at the roadside, the number of checks at the premises of undertakings, the number of working days checked and the number and type of infringements reported, together with a record of whether passengers or goods were transported.

Amendment

4. The information submitted to the Commission in accordance with Article 17 of Regulation (EC) No 561/2006 shall include the number of drivers checked at the roadside, the number of checks at the premises of undertakings, the number of working days checked at premises and the number and type of infringements reported, together with a record of whether passengers or goods were transported.
Amendment 42

Proposal for a directive
Article 1 – paragraph 1 – point 3 a (new)
Directive 2006/22/EC
Article 5

**Present text**

Member States shall, at least six times per year, undertake concerted roadside checks on drivers and vehicles falling within the scope of Regulations (EEC) No 3820/85 or (EEC) 3821/85. Such checks shall be undertaken at the same time by the enforcement authorities of two or more Member States, each operating in its own territory.

**Amendment**

(3a) Article 5 is replaced by the following:

“Member States shall, at least six times per year, undertake concerted roadside checks and checks at the premises on drivers and vehicles falling within the scope of Regulation (EC) No 561/2006 or (EU) No 165/2014. Such checks shall be undertaken at the same time by the enforcement authorities of two or more Member States, each operating in its own territory. The summary results of the concerted checks shall be made public in line with Regulation (EU) 2016/679.”;

Amendment 43

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2006/22/EC
Article 6 – paragraph 1

**Text proposed by the Commission**

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 or Directive 2002/15/EC have been detected at the roadside.

**Amendment**

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulations (EC) No 561/2006 and (EU) No 165/2014 have been detected at the roadside.

Amendment 44

Proposal for a directive
Article 1 – paragraph 1 – point 4 a (new)
Directive 2006/22/EC
Article 7 - paragraph 1 - point b

Present text

(b) to forward the biennial statistical returns to the Commission under Article 16 (2) of Regulation (EEC) No 3820/85;

Amendment

(4a) in Article 7(1), point b is replaced by the following:

“(b) to forward the biennial statistical returns to the Commission under Article 17 of Regulation (EC) No 561/2006;”;

Amendment 45
Proposal for a directive
Article 1 – paragraph 1 – point 6 – point -a (new)

Present text

1. Information made available bilaterally under Article 17(3) of Regulation (EEC) No 3820/85 or Article 19 (3) of Regulation (EEC) No 3821/85 shall be exchanged between the designated bodies notified to the Commission in accordance with Article 7(2):

Amendment

(-a) in Article 8(1), the introductory part is replaced by the following:

“1. Information made available bilaterally under Article 22(2) of Regulation (EC) No 561/2006 or Article 40 of Regulation (EU) No 165/2014 shall be exchanged between the designated bodies notified to the Commission in accordance with Article 7.”;

Amendment 46
Proposal for a directive
Article 1 – paragraph 1 – point 6 – point a

Text proposed by the Commission

(b) upon reasoned request by a Member State in individual cases.

Amendment

(b) at the specific request of a Member State in individual cases, provided that the information required is not available through direct consultation of national electronic registers as referred to in Article 16(5) of Regulation (EC) No 1071/2009.
Amendment 47

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

1a. Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment

1a. Member States shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 10 working days from the receipt of the request. In duly justified cases requiring in-depth examination or involving checks at the premises of the undertakings concerned, the time limit shall be 20 working days. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment 48

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1 a – subparagraph 2

Text proposed by the Commission

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within 10 working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.

Amendment

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within five working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.

Amendment 49

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Member State in question shall inform the requesting Member State accordingly within 10 working days, giving reasons. The Member States concerned shall discuss with each other with a view to finding a solution for any difficulty raised.

Amendment 50

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1 a – subparagraph 3 a (new)

Where the Commission becomes aware of a persisting problem in the exchange of information or a permanent refusal to supply information, it may take all necessary measures to remedy the situation, including, where necessary, by opening an investigation and eventually applying sanctions to the Member State.

Amendment 51

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b a(new)
Directive 2006/22/EC
Article 8 – paragraph 2

(ba) in Article 8, paragraph 2 is replaced by the following:
2. Member States shall seek to establish systems for the electronic exchange of information. In accordance with the procedure referred to in Article 12(2), the Commission shall define a common methodology for effective information exchange.

“2. By way of derogation from Article 21 of Directive 2014/67/EU, the exchange of information between the competent authorities of the Member States provided for in paragraphs 1 and 1a of this Article shall be implemented through the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012. Competent authorities of the Member States shall have direct access in real time to data in national electronic registers via the European Register of Road Transport Undertakings (ERRU) as referred to in Article 16 of Regulation (EC) No 1071/2009.”;

Amendment 52

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b b (new)
Directive 2006/22/EC
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

(bb) in Article 8 the following paragraph is added:

“2a. The Commission shall develop an electronic application common to all EU Member States that will provide inspectors direct real-time access to the ERRU and IMI during roadside checks and checks at premises by 2020. This application shall be developed via a pilot project.”;

Amendment 53

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point a
Directive 2006/22/EC
Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission **shall, by means of implementing acts, establish** a common formula for calculating a risk rating of undertakings, which shall take into account

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 15a establishing a common formula for calculating a risk rating of undertakings,
the number, severity and frequency of occurrence of infringements as well as the results of controls where no infringement has been detected and whether a road transport undertaking has been using the smart tachograph, pursuant to Chapter II of Regulation (EU) No 165/2014, on all its vehicles. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

Amendment 54

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point b a (new)
Directive 2006/22/EC
Article 9 – paragraph 3–subparagraph 1

Present Text

Amendment

3. An initial list of infringements of Regulations (EEC) No 3820/85 and (EEC) No 3821/85 is set out in Annex III.

“3. An initial list of infringements of Regulations (EC) No 561/2006 and (EU) No 165/2014 is set out in Annex III.”;

Amendment 55

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point b a (new)
Directive 2006/22/EC
Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

With a view to giving guidelines on the weighting of infringements of Regulations (EEC) No 3820/85 or (EEC) 3820/85, the Commission may, as appropriate, in accordance with the procedure referred to in Article 12(2), adapt Annex III with a view to establishing guidelines on a common range of infringements, divided into categories according to their gravity.

With a view to giving guidelines on the weighting of infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014, the Commission is empowered to adopt delegated acts in accordance with Article 15a amending Annex III with a view to establishing guidelines on a common range of infringements, divided into categories according to their gravity.
**Amendment 56**

Proposal for a directive  
Article 1 – paragraph 1 – point 7 – point b a (new)  
Directive 2006/22/EC  
Article 9 – paragraph 3 – subparagraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>The category for the most serious infringements should include those where failure to comply with the relevant provisions of <em>Regulations (EEC) No 3820/85 or (EEC) 3821/85</em> create a serious risk of death or serious personal injury.</td>
<td>The category for the most serious infringements should include those where failure to comply with the relevant provisions of <em>Regulations (EC) No 561/2006 or (EU) 165/2014</em> create a serious risk of death or serious personal injury.</td>
</tr>
</tbody>
</table>

**Amendment 57**

Proposal for a directive  
Article 1 – paragraph 1 – point 7 – point c  
Directive 2006/22/EC  
Article 9 – paragraph 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. In order to facilitate targeted roadside checks, the data contained in the national risk rating system shall be accessible at the time of control to all the competent control authorities of the Member State concerned.</td>
<td>4. In order to facilitate targeted roadside checks, the data contained in the national risk rating system and the national registers of transport undertakings and activities shall be accessible at the time of the check to all the competent control authorities of the Member State concerned through at least an electronic application common to all EU Member States, through which they will have direct real-time access to the ERRU.</td>
</tr>
</tbody>
</table>

**Amendment 58**

Proposal for a directive  
Article 1 – paragraph 1 – point 7 – point c  
Directive 2006/22/EC  
Article 9 – paragraph 5
5. Member States shall make the information contained in the national risk rating system available upon request or directly accessible to all competent authorities of other Member States in accordance with the time limits set out in Article 8.

Amendment 59
Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 2006/22/EC
Article 11 – paragraph 3

Text proposed by the Commission

3. The Commission shall establish a common approach to recording and controlling periods of other work, as defined in point (e) of Article 4 of Regulation (EC) No 561/2006, and periods of at least one week during which a driver is away from the vehicle, by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2);

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 15a establishing a common approach to the recording and controlling of periods of other work, as defined in point (e) of Article 4 of Regulation (EC) No 561/2006, including the form of the recording and specific cases in which it is to take place and to the recording and controlling of periods of at least one week during which a driver is away from the vehicle and is unable to carry out any activities with that vehicle.

Amendment 60

Proposal for a directive
Article 1 – paragraph 1 – point 8 a (new)
Directive 2006/22/EC
Article 12
1. The Commission shall be assisted by the Committee set up by Article 18(1) of Regulation (EEC) No 3821/85.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

(8a) Article 12 is replaced by the following:

“1. The Commission shall be assisted by the Committee set up by Article 42(1) of Regulation (EU) No 165/2014. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.”;

Amendment 61

Proposal for a directive
Article 1 – paragraph 1 – point 8 b (new)
Directive 2006/22/EC
Article 13 – point b

Present text

(b) to encourage a coherence of approach between enforcement authorities and a harmonised interpretation of Regulation (EEC) No 3820/85 between enforcement authorities;

Amendment

(8b) in Article 13, point b is replaced by the following:

“(b) to encourage a coherence of approach between enforcement authorities and a harmonised interpretation of Regulation (EC) No 561/2006 between enforcement authorities;”;

Amendment 62

Proposal for a directive
Article 1 – paragraph 1 – point 8 c (new)
Directive 2006/22/EC
Article 14
Article 14
Negotiations with third countries
Once this Directive has entered into force, the Community shall begin negotiations with the relevant third countries with a view to the application of rules equivalent to those laid down in this Directive.
Pending the conclusion of these negotiations, Member States shall include data on checks carried out on vehicles from third countries in their returns to the Commission as set out in Article 16 (2) of Regulation (EEC) No 3820/85.

Amendment 63
Proposal for a directive
Article 1 – paragraph 1–point 8 d (new)
Directive 2006/22/EC
Article 15

Present text

Amendments to the Annexes which are necessary to adapt them to developments in best practice shall be adopted in accordance with the procedure referred to in Article 12(2).

Amendment

(8d) Article 15 is replaced by the following:
“The Commission is empowered to adopt delegated acts in accordance with Article 15a amending Annexes I and II to introduce necessary adaptations to developments in best practice.”;

Amendment 64
Proposal for a directive
Article 1 – paragraph 1–point 8 e (new)
Directive 2006/22/EC
Article 15a (new)

Present text

(8c) Article 14 is replaced by the following:
“Article 14
Negotiations with third countries
Once this Directive has entered into force, the Union shall begin negotiations with the relevant third countries with a view to the application of rules equivalent to those laid down in this Directive.
Pending the conclusion of these negotiations, Member States shall include data on checks carried out on vehicles from third countries in their returns to the Commission as set out in Article 17 of Regulation (EC) No 561/2006.”;
(8e) The following Article is inserted:

“Article 15 a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 9(3) and Article 15 shall be conferred on the Commission for a period of 5 years from [date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 9(3) and Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to
Article 9(3) and Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.”;

Amendment 65
Proposal for a directive
Article 1 – paragraph 1 – point 9 – point -a (new)
Directive 2006/22/EC
Annex I – Part A – point 1

Present text

(1) daily and weekly driving times, breaks and daily and weekly rest periods; also the preceding days' record sheets which have to be carried on board the vehicle in accordance with Article 15 (7) of Regulation (EEC) No 3821/85 and/or the data stored for the same period on the driver card and/or in the memory of the recording equipment in accordance with Annex II to this Directive and/or on printouts;

Amendment

(-a) in Part A, point (1) is replaced by the following:

“(1) daily and weekly driving times, breaks and daily and weekly rest periods; also the preceding days' record sheets which have to be carried on board the vehicle in accordance with Article 36 (1) and (2) of Regulation (EU) No 165/2014 and/or the data stored for the same period on the driver card and/or in the memory of the recording equipment in accordance with Annex II to this Directive and/or on printouts;”;

Amendment 66
Proposal for a directive
Article 1 – paragraph 1 – point 9 – point -a a (new)
Directive 2006/22/EC
Annex I – Part A – point 2
Amendment (-aa) in Part A, point (2) is replaced by the following:

“(2) for the period referred to in Article 36(1) and (2) of Regulation (EU) No 165/2014, any cases where the vehicle's authorised speed is exceeded, to be defined as being any periods of more than one minute during which the vehicle's speed exceeds 90 km/h for category N 3 vehicles or 105 km/h for category M 3 vehicles (categories N 3 and M 3 as defined in Directive 2007/46/EC1a).”;


Amendment 67

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point -a b (new)
Directive 2006/22/EC
Annex I – Part A – point 4

Amendment (-ab) in Part A, point (4) is replaced by the following:

“(4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets) or, where appropriate, presence of the documents referred to in Article 14 (5) of”;

Amendment 68

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point a
Directive 2006/22/EC
Annex I – part A – point 6

Text proposed by the Commission

(6) weekly working times as set out in Articles 4 and 5 of Directive 2002/15/EC.

Amendment

(6) weekly working times as set out in Articles 4 and 5 of Directive 2002/15/EC, provided that technology enables effective checks to be carried out.

Amendment 69

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point b a (new)
Directive 2006/22/EC
Annex I – part B – subparagraph 2

Present text

Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

Amendment

(ba) in Part B, subparagraph 2 is replaced by the following:

“Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EC) No 561/2006 and (EU) No 165/2014.”

Amendment 70

Proposal for a directive
Article 2 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Member States shall not apply points (b) and (c) of the first subparagraph of

Amendment

2. Member States shall not apply Directive 96/71/EC to drivers in the road
Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.

Amendment 71
Proposal for a directive
Article 2 – paragraph 2 – subparagraph 2

Text proposed by the Commission

When the period of posting is longer than 3 days, Member States shall apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC for the entire period of posting to their territory during the period of one calendar month referred to in the first subparagraph.

Amendment 72
Proposal for a directive
Article 2 – paragraph 3 – introductory part

Text proposed by the Commission

3. For the purposes of the calculation of the periods of posting referred to in paragraph 2:

Amendment 73
Proposal for a directive
Article 2 – paragraph 3 – point a
(a) a daily working period shorter than six hours spent in the territory of a host Member State shall be considered as half a day;

Amendment 74
Proposal for a directive
Article 2 – paragraph 3 – point b

(b) a daily working period of six hours or more spent in the territory of a host Member State shall be considered as a full day;

Amendment 75
Proposal for a directive
Article 2 – paragraph 3 – point c

(c) breaks and rest periods as well as periods of availability spent in the territory of a host Member State shall be considered as working period.

Amendment 76
Proposal for a directive
Article 2 – paragraph 2 a (new)

2a. Member States shall apply Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing:
(a) cabotage operations defined by Regulations (EC) No 1072/2009 and (EC) No 1073/2009;

(b) the road haulage leg of combined transport as referred to in Article 4 of Directive 92/106/EEC, provided that the road haulage leg is carried out in the same Member State.

Amendment 77

Proposal for a directive
Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall not apply Article 3(1a) [on duration of posting] of Directive 96/71/EC, as amended, to road transport operations falling under the scope of this Directive.

Amendment 78

Proposal for a directive
Article 2 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. Member States may only impose the following administrative requirements and control measures:

4. By way of derogation from Article 9 of Directive 2014/67/EU, Member States may only impose the following administrative requirements and control measures:

Amendment 79

Proposal for a directive
Article 2 – paragraph 4 – point a
(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, in an official language of the host Member State or in English, containing only the following information:

Amendment 80
Proposal for a directive
Article 2 – paragraph 4 – point a – point i

Text proposed by the Commission

(i) the identity of the road transport operator;

Amendment

(i) the identity of the road transport operator by means of its intra-Community tax identification number;

Amendment 81
Proposal for a directive
Article 2 – paragraph 4 – point a – point iii

Text proposed by the Commission

(iii) the anticipated number and the identities of posted drivers;

Amendment

(iii) information about the posted drivers including the following: the identity, the country of residence, the country of payment of social contributions, the social security number and the number of the driving licence;

Amendment 82
Proposal for a directive
Article 2 – paragraph 4 – point a – point iv
Text proposed by the Commission

(iv) the **anticipated duration**, envisaged beginning and end date of the posting;

Amendment

(iv) the **host Member States**, the envisaged beginning **date and the estimated duration**, and end date of the posting **and the law applicable to the employment contract**;

Amendment 83
Proposal for a directive
Article 2 – paragraph 4 – point a – point iv a (new)

Text proposed by the Commission

(iva) the identity and the contact details of consignees, provided that the transport operator does not use e-CMR;

Amendment 84
Proposal for a directive
Article 2 – paragraph 4 – point a – point vi a (new)

Text proposed by the Commission

(via) addresses of loading(s) and unloading(s), provided that the transport operator does not use e-CMR

Amendment 85
Proposal for a directive
Article 2 – paragraph 4 – point b

Text proposed by the Commission

(b) an obligation for the driver to **keep and make available**, where requested at the roadside control, in paper or electronic form, a copy of the posting declaration and evidence of transport operation taking

Amendment

(b) an obligation for the **road transport operator to ensure that the** driver has at **his/her disposal**, where requested at the roadside control, in paper or electronic form, a copy of the declaration and
place in the host Member State, such as an
electronic consignment note (e-CMR) or
evidence referred to in Article 8 of
Regulation (EC) No 1072/2009 of the

evidence of transport operation taking
place in the host Member State, such as an
electronic consignment note (e-CMR) or
evidence referred to in Article 8 of
Regulation (EC) No 1072/2009 of the

**Amendment 86**

**Proposal for a directive**

**Article 2 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) an obligation for the driver to keep
and make available, where requested at the
roadside control, the tachograph records,
and in particular the country codes of
Member States where the driver has been
present when carrying out international
road transport operations or cabotage
operations;

*Amendment*

(c) an obligation for the road transport
operator to ensure that the driver has at
his/her disposal where requested at the
roadside control, the tachograph records,
and in particular the country codes of
Member States where the driver has been
present when carrying out international
road transport operations or cabotage
operations;

**Amendment 87**

**Proposal for a directive**

**Article 2 – paragraph 4 – point c a (new)**

*Text proposed by the Commission*

(c) During the roadside checks referred
to in points (b) and (c) of this Article, the
driver shall be allowed to contact the head
office, the transport manager or any other
person or entity which may provide the
requested documents;

*Amendment*

(c) During the roadside checks referred
to in points (b) and (c) of this Article, the
driver shall be allowed to contact the head
office, the transport manager or any other
person or entity which may provide the
requested documents;

**Amendment 88**

**Proposal for a directive**

**Article 2 – paragraph 4 – point cb**
(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) and (e), at the request of the authorities of the host Member State within a reasonable period of time;

(cb) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b) and (c), at the request of the authorities of the host Member State within a reasonable period of time as well as documentation of the remuneration of posted drivers which relate to the period of posting and their employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC, time-sheets relating to the driver's work and proof of payments. In accordance with Articles 6 and 7 of Directive 2014/67/EU the competent authority of the host Member State shall make the corresponding request to the competent authority of the Member State of establishment, which latter shall request that information from the operator. The operator may use IMI for submitting the documentation.

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Amendment 90
Proposal for a directive
Article 2 – paragraph 4 – point e

Text proposed by the Commission

(e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;

Amendment

deleted

Amendment 91
Proposal for a directive
Article 2 – paragraph 5

Text proposed by the Commission

5. For the purposes of point (a) of paragraph 4 the road transport operator may provide a posting declaration covering a period of a maximum of six months.

Amendment

5. For the purposes of point (a) of paragraph 4 the road transport operator may provide a declaration covering a period of a maximum of six months.

Amendment 92
Proposal for a directive
Article 2 – paragraph 5 a (new)

Text proposed by the Commission

5a. The information from the declarations shall be saved in the
repository of IMI for the purpose of checks for a period of 18 months and shall be directly and real time accessible to all competent authorities of other Member States designated according to Article 3 of Directive 2014/67/EU, Article 18 of Regulation (EC) No 1071/2009, and Article 7 of Directive 2006/22/EC.

Amendment 93

Proposal for a directive
Article 2 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. The Commission shall adopt implementing acts developing a standardised form in all official languages of the Union to be used for submitting declarations, specify the functionalities of the declaration in the IMI and how the information referred to points (i) to (via) of paragraph 4 point (a) is to be presented in the declaration and ensure that those information from declarations are automatically translated in a language of a host Member State. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 2a (2).

Amendment 94

Proposal for a directive
Article 2 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. Member States shall avoid unnecessary delays in the implementation of the control measures that may affect the duration and dates of the posting.
Amendment 95
Proposal for a directive
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a
1. The Commission shall be assisted by the Committee set up by Article 42(1) of Regulation (EU) No 165/2014. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Amendment 96
Proposal for a directive
Article 2 b (new)

Text proposed by the Commission

Amendment

Article 2b
Liability

Member States shall provide for sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Article 2 of this Directive, where they know, or, in the light of all relevant circumstances ought to know, that the transport services that they commission infringe this Directive.

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Directive and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.
Amendment 97

Proposal for a directive
Article 2 c (new)

Text proposed by the Commission

Amendment

Article 2c

Review clause on European platform of trusted companies

The Commission shall assess existing instruments and best practices promoting socially responsible behaviour of all actors in the delivery chain for goods and make a legislative proposal to establish a European Platform of Trust, if appropriate, within 2 years after entry into force of this Directive.

Amendment 98

Proposal for a directive
Article 2 d (new)

Text proposed by the Commission

Amendment

Article 2d

Smart enforcement

1. Without prejudice to Directive 2014/67/EU and in order to further enforce the obligations stipulated under Article 2 of this Directive, Member States shall ensure that a coherent national enforcement strategy is applied on their territory. That strategy shall focus on undertakings with a high risk rating, referred to in Article 9 of Directive 2006/22/EC of the European Parliament and of the Council.

2. Each Member State shall ensure that the checks provided for in Article 2 of Directive 2006/22/EC will include, where
relevant, a check on posting and that these check shall be carried out without discrimination, in particularly without discrimination based on the number plates of vehicles used in posting.

3. Member States shall target those undertakings which are classed as posing an increased risk of infringing the provisions of Article 2 of this Directive, applicable to them. For that purpose, Member States shall, within the risk classification system established by them under Article 9 of Directive 2006/22/EC of the European Parliament and of the Council and extended in accordance with Article 12 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, treat the risk of such infringements as a risk in its own right.

4. For the purpose of paragraph 3, Member States shall have access to relevant information and data recorded, processed or stored by the smart tachograph referred to in Chapter II of Regulation (EU) No 165/2014, posting declarations referred to in Article 2 (4) of this Directive and in electronic transport documents, such as electronic consignment notes under the Convention on the Contract for the International Carriage of Goods by Road (eCMR).

5. The Commission is empowered to adopt delegated acts to stipulate the characteristics of the data to which Member States shall have access to, the conditions for their use and the technical specifications for their transmission or access, specifying in particular:

(a) a detailed list of information and data to which national competent authorities shall have access to, which shall include at least the time and location of border crossings, loading and unloading operations, the registration plate of the vehicle and the driver details;

(b) the access rights of the competent authorities, differentiated where
appropriate according to the type of competent authorities, the type of access and the purpose for which the data is used;

(c) the technical specifications for the transmission or access to the data referred to in point (a), including, where relevant, the maximum duration that the data is retained, differentiated where appropriate according to the type of data.

6. Any personal data referred to in this Article shall be accessed or stored for no longer than is strictly necessary for the purposes for which the data were collected or for which they are further processed. Once such data are no longer needed for those purposes, they shall be destroyed.

7. Member States shall, at least three times per year, undertake concerted roadside checks on posting, which may coincide with checks performed in accordance with Article 5 of Directive 2006/22/EC. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of posting of two or more Member States, each operating in its own territory. Member States shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

The summary results of the concerted checks shall be made public in line with Regulation (EU) 2016/679.

Amendment 99

Proposal for a directive
Article 2e (new)

Text proposed by the Commission

Amendment

Article 2e
Amendment to Regulation (EU) No 1024/2012

In the Annex to Regulation (EU) No 1024/2012 the following points are added:


Amendment 100

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. The Commission shall evaluate the implementation of this Directive, in particular the impact of Article 2, by [3 years after the date for transposition of this Directive] and report to the European Parliament and the Council on the application of this Directive. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.

Amendment

1. The Commission shall evaluate the implementation of this Directive, in particular the impact of Article 2(2), by ... [three years after the date of entry into force of this Directive] and report to the Parliament and the Council on the application of that Article. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.

Amendment 101

Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Amendment
Article 3a

In the interests of ensuring compliance with the provisions of this Directive, both the Commission and the Member States shall establish a comprehensive and integrated programme of training and adaptation to the new rules and requirements for drivers and all other actors involved in the procedure, undertakings, administrations, inspectors.

Amendment 102

Proposal for a directive
Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall adopt and publish, by [...] [The time limit for transposition will be as short as possible and, generally, will not exceed two years] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall adopt and publish, by [...] [2 years from the entry into force of this Directive], the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment 103

Proposal for a directive
Article 4 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

The transport sector, due to its recognised highly mobile nature, is exempt from the measures deriving from the legislative act amending Directive 96/71/EC until this Directive shall become applicable.

Amendment

The transport sector, due to its recognised highly mobile nature, is exempt from the measures deriving from the legislative act amending Directive 96/71/EC until this Directive shall become applicable.

Amendment 104

Proposal for a directive
Article 4 – paragraph 1 – subparagraph 1 b (new)
The transport sector is exempt from the measures deriving from the legislative act amending Directive 96/71/EC until the entry into force of enforcement requirements laying down specific rules with respect to transport of this Directive.