21.6.2018

Amendment 105

Marita Ulvskog

on behalf of the Committee on Employment and Social Affairs

Report A8-0206/2018

Merja Kyllönen

Enforcement requirements and specific rules for posting drivers in the road transport sector


Proposal for a directive

Recital 1

Text proposed by the Commission

(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

(1) Freedom of movement for workers, freedom of establishment and freedom to provide services are fundamental principles of the internal market. They are enshrined in the Treaty on the Functioning of the European Union (TFEU) and are essential to the proper functioning of the internal market. In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure a balance between free movement of transport services and decent working conditions, equal treatment and social protection for drivers and a competitive and fair business environment for operators.

Or. en
Amendment 106
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
Merja Kyllönen
Enforcement requirements and specific rules for posting drivers in the road transport sector

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In his State of the Union speech on 13 September 2017, the President of the Commission announced that a European Labour Authority would be created.

Or. en
Amendment 107
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
Merja Kyllönen
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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, a fair level playing field is maintained while respecting freedom to provide services.

Or. en
Amendment 108
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
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Proposal for a directive
Recital 2a (new)

Text proposed by the Commission

(2a) The road transport sector is highly competitive and characterised by particular distortions generated by the abusive forum shopping practices of operators in order to lower or avoid wage costs and social security contributions, or other social and working conditions which have led to a race-to-the-bottom competition in the past. A functioning internal market must be based on a level playing field. Further steps are therefore necessary to prevent abusive practices by road transport operators through forum shopping, including horizontal measures in Union company law to end regime shopping and regulatory arbitrage by road transport operators.

Amendment

Or. en
Amendment 109
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
Merja Kyllönen
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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 facilitating the exercise of the freedom to provide road transport services based on non-discriminatory competition between national and foreign operators, reducing unnecessary administrative burdens and improving the social and working conditions of drivers is crucial for creating a smoothly functioning road transport sector in the internal market.

Or. en
Amendment 110
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
Merja Kyllönen
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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 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.

Amendment

(5) Adequate, effective and consistent enforcement of the working time provisions is crucial for 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 checks laid down in Directive 2002/15/EU should be limited at the roadside to weekly and daily working time, breaks, rest periods and night work. Other obligations deriving from Directive 2002/15/EC should be checked at the operator’s premises.

Or. en
Amendment 111
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
Merja Kyllönen
Enforcement requirements and specific rules for posting drivers in the road transport sector

Proposal for a directive
Recital 6

Text proposed by the Commission
(6) The administrative cooperation between Member States with regard to the implementation of the social rules in road transport has proven insufficient, making cross-border enforcement more difficult, inefficient and inconsistent. It is therefore necessary to establish a framework for effective communication and mutual assistance, including exchange of data on infringements and information on good practices in enforcement.

Amendment
(6) The administrative cooperation between Member States and Union support with regard to the implementation of the social rules in road transport has proven insufficient, making cross-border enforcement more difficult, inefficient and inconsistent. It is therefore necessary to establish a framework for effective communication and mutual assistance, including exchange of data on infringements and information on good practices in enforcement.

Or. en
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.

(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 Union operators, and have created unfairness in inter-company competition in the sector.


of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) (OJ L 159, 28.5.2014, p. 11).

Or. en
Amendment 113
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
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Enforcement requirements and specific rules for posting drivers in the road transport sector

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

(9a) Failure to comply with the rules on the establishment of international road transport companies creates differences across the internal market and contributes to unfairness in inter-company competition. The conditions governing the establishment of international road transport companies should therefore be tightened and made easier to monitor, particularly with a view to combating the creation of ‘letterbox’ companies.

Or. en
(10) The Commission, in its proposal of 8 March 2016\(^\text{17}\) for the revision of Directive 96/71/EC, recognized that the implementation of that Directive raises particular legal questions and difficulties in the highly mobile road transport sector and indicated that those issues should be best addressed through sector-specific road transport legislation. However, taking into account that the transport sector is one of the most vulnerable sectors, the protective minimum provisions of Directive 96/71/EC must be applied to all workers.

\(^{17}\) COM(2016)128