21.6.2018

Amendment 115
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 11

Text proposed by the Commission

(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

(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, and enhance their enforcement, 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.

Or. en
21.6.2018

Amendment 116
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 12

Text proposed by the Commission

(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 1072/2009 and 1073/2009 since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.**

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Amendment

(12) **Cabotage operations as defined by Regulations 1072/2009 and 1073/2009 are service provisions which are covered by Directive 96/71/EC as the transport operation is entirely taking place in another Member State. As a consequence the minimum rate of remuneration and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.**

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Or. en
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.

In order to have clear sector-specific rules on posting of workers deriving from Directives 96/71/EC [as amended by COD 2016/0070] and 2014/67/EU, as well as to ensure their effective and efficient enforcement and to avoid disproportionate administrative burdens for non-resident operators sector, standardised forms developed by the Commission and reduced specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools, such as the Internal Market Information System (IMI), the GNSS (Global Navigation Satellite System) portal for road transport and smart tachographs.
Recital 13 a (new)

Text proposed by the Commission

(13a) Practices in which parent companies in one Member State are attributed most of the profit and subsidiary transport companies in other Member States are left with limited resources although they are responsible for most of the turnover from their transport business, can lead to inequalities and disproportionate profit shifting among the Member States and should be avoided. A negative social consequence of such practices is that the income of the drivers in the Member States in which the subsidiary transport companies operate is kept at a lower level. In order to tackle possible unfair competition in the road transport sector, such practices should be closely analysed with a view to preventing them.

Amendment

Or. en
21.6.2018  A8-0206/119

Amendment 119
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 13 b (new)

Text proposed by the Commission  Amendment

(13b) In order to ensure full compliance with social legislation, and pending the establishment of the European Labour Authority, the competent control authorities should have access to, and verify all data transmitted through, the IMI and the GNSS portal.

Or. en
Amendment 120
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
Article 1 – paragraph 1 – point 3 – point a
Directives 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 of all transport categories 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;

Or. en
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.

Or. en
21.6.2018

Amendment 122
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
Article 1 – paragraph 1 – point 6 – point a
Directive 2006/22/EC
Article 8 – paragraph 1 – point b

Text proposed by the Commission
(b) upon reasoned request by a Member State in individual cases.

Amendment
(b) upon the specific request by a Member State in individual cases.

Or. en
Amendment 123
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
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 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

The Commission shall, by means of implementing acts, establish a common formula for calculating a risk rating of undertakings, which shall take into account the number, severity and frequency of occurrence of infringements as well as the results of controls where no infringement has been detected. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

Or. en
Amendment 124
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
Article 1 – paragraph 1 – point 7 – point c
Directive 2006/22/EC
Article 9 – paragraph 4

Text proposed by the Commission

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.

Amendment

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 competent control authorities of the Member States;

Or. en