Amendment 125
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 a (new)
Directive 2006/22/EC
Article 9 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(ca) the following paragraph is added:

“5a. The smart tachograph, which indicates the location of drivers over the span of a 56-day period, shall be introduced on all vehicles engaged in international transport and cabotage by 2 January 2020.”

Or. en
Amendment 126
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 2 – paragraph 1

Text proposed by the Commission


Amendment


Or. en
21.6.2018

Amendment 127
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 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The smart tachograph, which indicates the location of drivers over the span of a 56-day period, shall be introduced on all vehicles engaged in international transport and cabotage by 2 January 2020.

Or. en
Amendment 128
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

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Proposal for a directive
Article 2 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Transit shall be excluded from the application of this Directive and of Directive 96/71/EC.

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

2. Member States shall apply points (b) and (c) of the first subparagraph of 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 or cabotage operations as defined by Regulations 1072/2009 and 1073/2009.
Amendment 130
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 2 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Member States shall apply Directives 96/71/EC and 2014/67/EU for the entire period of posting to their territory of drivers in the road transport sector employed by undertakings referred to in points (a), (b) and (c) of Article 1(3) when performing road haulage legs of combined transport as referred to in Article 4 of Directive 92/106/EEC.

Amendment

Or. en
Amendment 131
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
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Proposal for a directive
Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For the purposes of points (b) and (c) of the first subparagraph of Article 3(1) of Directive 96/71/EC, where operations are conducted in more than one Member State on the same day, the terms and conditions of employment that are the most favourable to the posted driver shall apply.

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

(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:

(i) the identity of the road transport operator;

(ii) the contact details of a transport manager or other contact person(s) in the Member State of establishment to liaise with the competent authorities of the host Member State, in which the services are

4. Member States shall impose for each posted driver, an obligation for the road transport operator established in another Member State to send via the Internal Market Information System (IMI) a simple declaration to the national competent authorities at the latest at the commencement of the posting, in a standardised electronic form developed and made available by the Commission, without undue delay, in all official languages of the Union, containing the following information:

(i) the identity of the road transport operator and, in the case of a subsidiary, the address of the headquarters;

(ii) the contact details of a transport manager or other contact person(s) in the Member State of establishment to liaise with the competent authorities of the host Member State, in which the services are
provided and to send out and receive documents or notices;

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

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

(v) the number plates of vehicles used in posting;

(vi) the type of transport services, that is to say carriage of goods, carriage of passengers, international carriage, cabotage operation;

The simple declaration referred to in the first subparagraph may cover a maximum period of six months and shall be updated electronically by the road transport operator in line with the current factual situation without undue delay;

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

(a) an obligation for the road transport operator to provide the driver with the following documents, in paper or electronic form, for the purpose of roadside checks:

   (i) a copy of the simple declaration referred to in paragraph 4.

   (ii) evidence of transport operation taking place in the host Member State as referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament.
(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;

(d) a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC, translated into one of the official languages of the host Member State or into English;

(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;

(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;

(c) 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 (a) and (b), including copies of relevant pay slips, at the request of the authorities of the host Member State without undue delay.


(iii) the electronic consignment note (e-CMR)

(iv) a copy of the employment contract in an official language of the host Member State, or in English;

(v) a copy of the payslips for the past two months;

(b) an obligation for the driver to keep and make available, where requested at the roadside control, the relevant tachograph records, and in particular the driver card with the recorded border crossings and country codes of Member States where the driver has been present when carrying out international road transport operations or cabotage operations;
Amendment 133
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

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Proposal for a directive
Article 2 – paragraph 4 b (new)

Text proposed by the Commission

4b. Member States may impose other administrative requirements and control measures, in the event that situations or new developments arise from which it appears that existing administrative requirements and control measures are not sufficient or efficient to ensure effective monitoring of compliance with the obligations set out in Directive 96/71/EC, [Directive 2014/67/EU] and in this Directive, provided that these are justified and proportionate.

Amendment

Or. en
Amendment 134
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 2 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. Member States shall communicate to the Commission and inform service providers of any measures referred to in paragraph 4a that they apply or that have been implemented by them. The Commission shall communicate those measures to the other Member States. The information for the service providers shall be made generally available on the single official national website referred to in Article 5 of Directive 2014/67/EU. The Commission shall monitor the application of the measures referred to in paragraph 4c and evaluate their compliance with Union law, and shall, where appropriate, take the necessary measures in accordance with its competence under the TFEU. The Commission shall report regularly to the Council on measures communicated by Member States and, where appropriate, on the state of play of its analysis or assessment.

Or. en