21.6.2018

Amendment 136
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 e (new)

Text proposed by the Commission

Amendment

4e. For the purpose of assessing whether the provisions of Directives 96/71/EC and 2014/67/EU are met, the competent authorities of the host Member State shall verify the following during roadside checks:

(a) the tachograph data of the current day and that of the previous 56 days;
(b) the electronic consignment notes of the current day and of the previous 56 days;
(c) the documents referred to in points (a), (b) and (c) of paragraph 4a.

The roadside check authorities shall transmit all information referred to in the above paragraph to the competent authorities of the Member State responsible for assessing compliance with Directives 96/71/EC and 2014/67/EU.

In order to facilitate the implementation of this Directive, the competent authorities of the Member States shall cooperate with mutual assistance and all relevant information, within the conditions laid down in Directive 2014/67/EU and in Regulation (EC) No 1071/2009.

For the purpose of increasing the effectiveness of cross-border enforcement
and of targeted checks, the Member States shall provide access in real time to all relevant authorised inspecting authorities, to the IMI, to the national electronic registers established by Regulation (EC) No 1071/2009, to the simple declarations referred to in paragraph 4 of this Article, and to any other relevant databases.

Or. en

Justification

Posting of workers cannot entirely be checked at the roadside, as the roadside control authorities do not have the primary competence and knowledge to evaluate posting situations. However, roadside checks can play a key role in the enforcement of posting of workers rules in road transport, if adequately combined with company checks by labour and transport authorities. Thus roadside checks are meant to collect the data relevant to posting and transmit it to the competent authorities of the Member State where the check takes place, which will engage an exchange of information with its counterparts from across the EU. This is an effective combination of momentary and cross-border controls to deal with mobile nature of the sector.
Amendment 137
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

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

Text proposed by the Commission

Amendment

4f. A Union list of road hauliers that do not meet the relevant legal requirements shall be made public in order to ensure the greatest transparency. That Union list shall be based on common criteria developed at Union level and reviewed annually by the European Labour Authority. Road Hauliers listed on the Union list shall be subject to an operating ban. The operating prohibitions on the Union list shall apply throughout the territory of the Member States. In exceptional cases, Member States may take unilateral measures. In an emergency, and when faced with an unforeseen security problem, Member States shall have the possibility of immediately issuing an operating ban for their own territory.

Or. en
Amendment 138
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

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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. deleted

Justification
A posting declaration for a group of drivers and all types of transport for a period of six months does not have any added value for enforcement as it includes only very general information on basis of which enforcers cannot make an assessment over genuineness of posting. On the contrary, a posting declaration per driver and per posting situation provides a genuine and enforceable link between a transport operation on the one hand, the driver and vehicle engaged in it on the other hand. This is the only way to eliminate potential abuses.
Amendment 139
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 5 a (new)

Text proposed by the Commission

5a. The competent authorities in the Member States shall cooperate closely and shall provide each other with mutual assistance and all relevant information, within the conditions laid down in Directive 2014/67/EU and in Regulation (EC) No 1071/2009.

Amendment

Or. en
21.6.2018

Amendment 140
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 5 c (new)

Text proposed by the Commission

Amendment

5c. For the purpose of increasing the effectiveness of cross-border enforcement and of targeted checks, the Member States shall provide all relevant authorities with real time access to the IMI, to the national electronic registers established by Regulation (EC) No 1071/2009, to the simple declarations referred to paragraph 4 of this Article, and to any other relevant databases.

Or. en
Amendment 141
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 4 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Until the date referred to in the second subparagraph, Directives 2003/88/EC, 96/71/EC and 2014/67/EC shall remain applicable in their entirety.

Or. en