27.6.2018

Amendment 142
Terry Reintke
on behalf of the Verts/ALE Group

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 1

Text proposed by the Commission

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

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.

Or. en
Amendment 143
Terry Reintke
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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 referred to in the first subparagraph.

Amendment

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.

Or. en
Amendment 144
Terry Reintke
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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

(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;

(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 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 European Parliament and of the Council.

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 road side 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

(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;

(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) 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 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;

(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 (a) and (b), including copies of relevant pay slips, at the request of the authorities of the host Member State without undue delay.
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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 147
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Proposal for a directive
Article 2 – paragraph 4 c (new)

Text proposed by the Commission

4c. 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. This 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.

Amendment
Or. en
Amendment 148
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Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment


Or. en