Amendment 149


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\(^{18}\) and 1073/2009\(^{19}\) 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.

Amendment

(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. Transit and international transport operations as defined by Regulations 1072/2009\(^{18}\) and 1073/2009\(^{19}\) must not be subject to Directive 96/71/EC and Directive 2014/67/EU as companies cannot exercise the free movement of goods in other way than crossing borders of Member States, and therefore there is no direct competition with national companies in the case of transit and international transport operation and there is a clear link of the driver to the Member State of establishment of the company.


Or. en
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.

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to transit operations and to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage and cabotage 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 10 days for international transport operations and beyond the time limit threshold set in Article 8(2) of the revised Regulation (EC) No 1072/2009 during a period of one calendar month.

Or. en
Amendment 151

Report A8-0206/2018
Merja Kyllönen
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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 during the period of one calendar month referred to in the first subparagraph.

**Amendment**

When the period of posting is longer than that provided for in the first subparagraph of paragraph 2 of this Article, 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 during the period of one calendar month referred to in the first subparagraph.

Or. en
Amendment 152

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Proposal for a directive
Article 2 — paragraph 3 — introductory part

Text proposed by the Commission

3. For the purposes of the calculation of the periods of posting referred to in paragraph 2:

Amendment

3. For the purposes of the calculation of the periods of posting referred to in paragraph 2 a daily working period of 12 hours spent in the territory of a host Member State shall be considered as a full day.

Or. en
Amendment 153

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

Proposal for a directive
Article 2 — paragraph 3 — point a

Text proposed by the Commission Amendment
(a) a daily working period shorter than six hours spent in the territory of a host Member State shall be considered as half a day; deleted

Or. en
Amendment 154


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Proposal for a directive
Article 2 — paragraph 3 — point b

Text proposed by the Commission

(beamendment)

(b) a daily working period of six hours or more spent in the territory of a host Member State shall be considered as a full day;

deleted

Or. en
Amendment 155

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Proposal for a directive
Article 2 — paragraph 3 — point c

Text proposed by the Commission

Amendment

(c) breaks and rest periods as well as deleted
periods of availability spent in the territory of a host Member State shall be considered as working period.

Or. en