Recital 12

(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.

_________________


Amendment 162
Georg Mayer, Marie-Christine Arnautu
on behalf of the ENF Group

Report
Merja Kyllönen
Enforcement requirements and specific rules for posting drivers in the road transport sector
(COM(2017)0278 - C8-0170/2017 - 2017/0121(COD))

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
deleted

Or. en

Justification
To put an end to wage exploitation in countries with high wages and high social conditions for salaried drivers from countries with low pays and low social conditions, the improved terms for truck drivers should be applied from the first day of work onwards. The paragraph referred to is therefore invalid.
Amendment 163
Georg Mayer, Marie-Christine Arnautu
on behalf of the ENF Group

Report
Merja Kyllönen
Enforcement requirements and specific rules for posting drivers in the road transport sector
(COM(2017)0278 - C8-0170/2017 - 2017/0121(COD))

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

From day one of posting, 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

Justification

To end wage exploitation in countries with high wages and high social conditions for salaried drivers from countries with low pays and low social conditions, the improved terms for truck drivers should be applied from the first day of work.
Amendment 164  
Georg Mayer, Marie-Christine Arnautu  
on behalf of the ENF Group

Report  
Merja Kyllönen  
Enforcement requirements and specific rules for posting drivers in the road transport sector  
(COM(2017)0278 - C8-0170/2017 - 2017/0121(COD))

Proposal for a directive  
Article 2 – paragraph 4 – point a – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>(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 <strong>official language</strong> of the host Member State or in English, containing only the following information:</td>
<td>(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 <strong>the</strong> official language of the host Member State, containing only the following information:</td>
</tr>
</tbody>
</table>

Justification

In order for the supervisory authorities to fully understand and to certainly be aware of the mandatory documents concerning posting, they must be able to read them, in their **official language**.