Text proposed by the Commission

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure adequate working conditions and social protection for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.

Amendment

(1) Freedom of movement for workers, freedom of establishment and freedom to provide services are fundamental principles of the internal market. They are enshrined in the Treaty on the Functioning of the European Union (TFEU) and are essential to the proper functioning of the internal market. In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure a balance between free movement of transport services and decent working conditions, equal treatment and social protection for drivers and a competitive and fair business environment for operators.
Amendment 176
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
Recital 1 a (new)

Text proposed by the Commission

(1a) In his State of the Union speech on 13 September 2017, the President of the Commission announced that a European Labour Authority would be created.

Or. en
21.3.2019

Amendment 177
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
Recital 2

Text proposed by the Commission

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled and that operators are not faced with disproportionate administrative barriers unduly restricting their freedom to provide cross-border services.

Amendment

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled, and that a fair level playing field is maintained while respecting freedom to provide services.

Or. en
21.3.2019 A8-0206/178

Amendment 178
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report A8-0206/2018
Merja Kyllönen
Enforcement requirements and specific rules for posting drivers in the road transport sector

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission
(2a) Any national rules applied to road transport should be proportionate and justified and should not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the TFEU, such as freedom to provide services, in order to maintain or increase the competitiveness of the Union, while respecting decent working conditions and the social protection of drivers.

Amendment

Or. en

AM\P8_AMA(2018)0206(175-184)_EN.docx PE621.702v01-00
Text proposed by the Commission

(2b) The road transport sector is highly competitive and characterised by particular distortions generated by the abusive forum shopping practices of operators in order to lower or avoid wage costs and social security contributions, or other social and working conditions which have led to a race-to-the-bottom type competition in the past. A functioning internal market needs to be based on a level playing field. Further steps are therefore necessary to prevent abusive practices by road transport operators though forum shopping, including horizontal measures in Union company law to end regime shopping and regulatory arbitrage by road transport operators.

Amendment

Or. en
21.3.2019 A8-0206/180

Amendment 180
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The balance between enhancing social and working conditions for drivers and facilitating the exercise of the freedom to provide road transport services based on fair competition between national and foreign operators is crucial for the smooth functioning of the internal market.

Amendment

(3) The balance between facilitating the exercise of the freedom to provide road transport services based on non-discriminatory competition between national and foreign operators, reducing unnecessary administrative burdens and improving the social and working conditions of drivers is crucial for creating a smoothly functioning road transport sector in the internal market.

Or. en
21.3.2019

Amendment 181
Marita Ulvskog
on behalf of the Committee on Employment and Social Affairs

Report
Merja Kyllönen

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty and unequal treatment of drivers and operators, which is detrimental to the working, social and competition conditions in the sector.

Amendment

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified, as well as illegal practices, such as the use of letterbox companies. Additional emphasis should be put on fighting against undeclared work in the transport sector. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules, creating a heavy administrative burden for drivers and operators. This creates legal uncertainty, which is detrimental to the working, social and competition conditions in the sector.

Or. en
21.3.2019

Amendment 182
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
Recital 4 a (new)

Text proposed by the Commission

(4a) In order to ensure that Directives 96/71/EC\(^1a\) and 2014/67/EU\(^1b\) of the European Parliament and of the Council are correctly applied, controls and cooperation at Union level to combat fraud relating to the posting of drivers should be strengthened, and stricter checks should be carried out to ensure that social contributions for posted drivers are actually paid.


Or. en
Recital 5

(5) Adequate, effective and consistent enforcement of the working time provisions is crucial for protecting the working conditions of drivers and preventing the distortions of competition resulting from non-compliance. Therefore it is desirable to extend the existing uniform enforcement requirements set out in Directive 2006/22/EC to controlling compliance with the working time provisions set out in Directive 2002/15/EU.

The checks laid down in Directive 2002/15/EC should be limited at the roadside to the weekly and daily working time, breaks, rest periods and night work. Other obligations deriving from Directive 2002/15/EC should be checked at the operator’s premises.
21.3.2019

Amendment 184
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
Recital 6

**Text proposed by the Commission**

(6) The administrative cooperation between Member States with regard to the implementation of the social rules in road transport *has* proven insufficient, making cross-border enforcement more difficult, inefficient and inconsistent. It is therefore necessary to establish a framework for effective communication and mutual assistance, including exchange of data on infringements and information on good practices in enforcement.

**Amendment**

(6) The administrative cooperation between Member States *and Union support* with regard to the implementation of the social rules in road transport *have* proven insufficient, making cross-border enforcement more difficult, inefficient and inconsistent. It is therefore necessary to establish a framework for effective communication and mutual assistance, including exchange of data on infringements and information on good practices in enforcement.

Or. en