Recital 9

Text proposed by the Commission

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for non-resident Union operators. This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.

Amendment

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for Union operators, and have created unfairness in inter-company competition in the sector.


No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) (OJ L 159, 28.5.2014, p. 11).

Or. en
21.3.2019

Amendment 186
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 9 a (new)

Text proposed by the Commission

(9a) Failure to comply with the rules on the establishment of international road transport companies creates differences across the internal market and contributes to unfairness in inter-company competition. The conditions governing the establishment of international road transport companies should therefore be tightened and made easier to monitor, particularly with a view to combating the creation of ‘letterbox’ companies.

Or. en
Amendment 187  
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 10

Text proposed by the Commission

(10) The Commission, in its proposal of 8 March 201617 for the revision of Directive 96/71/EC, recognized that the implementation of that Directive raises particular legal questions and difficulties in the highly mobile road transport sector and indicated that those issues should be best addressed through sector-specific road transport legislation.

Amendment

(10) The Commission, in its proposal of 8 March 201617 for the revision of Directive 96/71/EC, recognized that the implementation of that Directive in the highly mobile road transport sector, raises particular legal questions and difficulties and indicated that those issues should be best addressed through sector-specific road transport legislation. However, taking into account that the transport sector is one of the most vulnerable sectors, the protective minimum provisions of Directive 96/71/EC should be applied to all workers.

17 COM(2016)0128.
Amendment 188
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 10 a (new)

Text proposed by the Commission

Amendment

(10a) Since there is a lack of drivers in the Union, working conditions should be significantly improved in order to increase the attractiveness of the profession.

Or. en
21.3.2019

Amendment 189
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 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules and enhance their enforcement reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

Or. en
Amendment 190
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 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 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

(12) Cabotage operations as defined by Regulations 1072/2009 and 1073/2009 are a provision of services which is covered by Directive 96/71/EC, as the transport operation is entirely taking place in another Member State. As a consequence the minimum rate of remuneration 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.


Or. en
21.3.2019

Amendment 191
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 12 a (new)

Text proposed by the Commission

Amendment

(12a) Due to the specificities of transit operations and the lack of a sufficient link of the driver with the territory of the host Member State, they should be excluded from the scope of this Directive.

Or. en
(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

(13) In order to have clear sector-specific rules on posting of workers deriving from Directives 96/71/EC, as amended by Directive (EU) 2018/957 of the European Parliament and of the Council, and Directive 2014/67/EU, as well as to ensure their effective and efficient enforcement and to avoid disproportionate administrative burdens for non-resident operators sector, standardised forms developed by the Commission and reduced specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools, such as the Internal Market Information System (IMI), the GNSS (Global Navigation Satellite System) portal for road transport and smart tachographs.

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Amendment 193
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 13 a (new)

Text proposed by the Commission

(13a) Practices in which parent companies in one Member State are attributed most of the profit and subsidiary transport companies in other Member States are left with limited resources although they are responsible for most of the turnover from their transport business, can lead to inequalities and disproportionate profit shifting among the Member States, and should be avoided. A negative social consequence of such practices is that the income of the drivers in the Member States in which the subsidiary transport companies operate is kept at a lower level. In order to tackle possible unfair competition in the road transport sector, such practices should be closely analysed with a view to preventing them.

Or. en
21.3.2019

Amendment 194
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 13 b (new)

Text proposed by the Commission

(13b) In order to ensure full compliance with social legislation, and pending the establishment of the European Labour Authority, the competent control authorities should have access to, and verify all data transmitted through, the IMI and the GNSS portal.

Or. en