Amendment 286
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Andrzej Grzyb, Jerzy Buzek, Barbara Kudrycka, Julia Pitera, Marek Plura, Danuta
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Hőlvényi, Asim Ademov, Andor Deli, Norbert Erdős, Csaba Sógor, Kinga Gál, Franc
Bogovič, László Tőkés, Bogusław Sonik, Jan Olbrycht, Agnieszka Kozłowska-Rajewicz,
Czesław Adam Siekierski, Eduard Kukan, Emil Radev, Vladimir Urutchev, Eva
Maydell, József Szájer, Andrea Bocsor, Pál Csáky, András Gyürk, Nuno Melo, José
Manuel Fernandes, Fernando Ruas, José Inácio Faria, Claudia Ţapardel, Kosma
Zlotowski, Angel Dzhambazki, Zdzisław Krasnodębski, Beata Gosiewska, Czesław Hoc,
Anna Elżbieta Fotyga, Tomasz Piotr Poręba, Stanisław Ożóg, Ryszard Czarnecki,
Jadwiga Wiśniewska, Richard Sulik, Edward Czesak, Zbigniew Kuźmiuk, Bolesław G.
Piecha, Ryszard Antoni Legutko

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

Proposal for a directive
Article 1 – paragraph 1 – point 8 d (new)
Directive 2006/22/EC
Article 15 a (new)

Text proposed by the Commission

Amendment

(8d) The following Article 15a is added:

Article 15a

Exercise of the delegation

1. The power to adopt delegated acts
   is conferred on the Commission subject to
   the conditions laid down in this Article.

2. The power to adopt delegated acts
   referred to in Article 9(3) and Article 15
   shall be conferred on the Commission for
   a period of 5 years from [date of entry into
   force of this Directive]. The Commission
   shall draw up a report in respect of the
   delegation of power not later than nine
   months before the end of the 5-year
   period. The delegation of power shall be
   tacitly extended for periods of an identical
   duration, unless the European Parliament
or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 9(3) and Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9(3) and Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
Amendment 287  

Report A8-0206/2018  
Merja Kyllönen

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point -a (new)
Directive 2006/22/EC
Annex I – Part A – point 1

Present text

Amendment

(-a) in Part A, point 1 is replaced by
the following:

(1) daily and weekly driving times, breaks and daily and weekly rest periods; also the preceding days’ record sheets which have to be carried on board the vehicle in accordance with Article 15 (7) of Regulation (EEC) No 3821/85 and/or the data stored for the same period on the driver card and/or in the memory of the recording equipment in accordance with Annex II to this Directive and/or on printouts;

Or. en
Amendment 288

Report
Merja Kyllönen

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point -a a (new)
Directive 2006/22/EC
Annex I – Part A – point 2

Present Text

(2) for the period referred to in Article 15 (7) of Regulation (EEC) No 3821/85, any cases where the vehicle's authorised speed is exceeded, to be defined as being any periods of more than one minute during which the vehicle's speed exceeds 90 km/h for category N 3 vehicles or 105 km/h for category M 3 vehicles (categories N 3 and M 3 being defined in Annex II, Part A to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers).

Amendment

(-aa) in Part A, point 2 is replaced by the following:

“(2) for the period referred to in Article 36 paragraphs (1) and (2) of Regulation (EU) No 165/2014, any cases where the vehicle's authorised speed is exceeded, to be defined as being any periods of more than one minute during which the vehicle's speed exceeds 90 km/h for category N 3 vehicles or 105 km/h for category M 3 vehicles (categories N 3 and M 3 as defined in Directive 2007/46/EC)."

Amendment 289

Report
Merja Kyllönen

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point -a b (new)
Directive 2006/22/EC
Annex I – Part A – point 4

Present text

(4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets) or, where appropriate, presence of the documents referred to in Article 14 (5) of Regulation (EEC) No 3820/85;

Amendment

(-ab) in Part A, point 4 is replaced by the following:

(4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets) or, where appropriate, presence of the documents referred to in Article 16 (2) of Regulation (EC) No 561/2006;

Or. en
Amendment 290

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point a
Directive 2006/22/EC
Annex I – Part A – point 6

Text proposed by the Commission
(6) weekly working times as set out in Articles 4 and 5 of Directive 2002/15/EC;

Amendment
(6) weekly working times as set out in Articles 4 and 5 of Directive 2002/15/EC, provided that technology enables effective checks to be carried out.

Or. en
Amendment 291

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point b a (new)
Directive 2006/22/EC
Annex I – Part B – subparagraph 2

Present text
Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

Amendment
(ba) in Part B, subparagraph 2 is replaced by:
Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EC) No 561/2006 and (EU) No 165/2014.

Or. en
Amendment 292

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Article 2 – paragraph 1a (new) and 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>2. Member States shall not apply</td>
<td>1a. These specific rules shall apply to</td>
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<tr>
<td>points (b) and (c) of the first</td>
<td>drivers employed by undertakings</td>
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<td>subparagraph of Article 3 (1) of</td>
<td>established in a Member State which take</td>
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<td>Directive 96/71/EC to drivers in the</td>
<td>one of the transnational measures</td>
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<td>road transport sector employed by</td>
<td>referred to in Article 1(3) (a) and (b) of</td>
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<tr>
<td>undertakings referred to in Article</td>
<td>Directive 96/71/EC.</td>
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<td>1(3)(a) of that Directive, when</td>
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<td>performing international carriage</td>
<td></td>
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<td>operations as defined by Regulations</td>
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<td>1072/2009 and 1073/2009 where the</td>
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<td>period of posting to their territory</td>
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<td>to perform these operations is shorter than</td>
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<td>or equal to 3 days during a period of one</td>
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<td>calendar month.</td>
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</tbody>
</table>
2. Member States shall not apply Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) and (b) of that Directive, when performing international carriage operations as defined by Regulation (EC) No. 1072/2009 and 1073/2009.
Amendment 293

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

2a. A driver engaged in international occasional or regular carriage of passengers, as defined in Regulation (EC) No 1073/2009, shall not be considered to be posted for the purpose of Directive 96/71/EC when:

- picking up passengers in the Member State of establishment and setting them down in another Member State or a third country; or

- picking up passengers in a Member State or a third country and setting them down in the Member State of establishment; or

- picking up and setting down passengers in the Member State of establishment for the purpose of local excursions, as defined in Regulation (EC)
No 1073/2009.
Amendment 294

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

Proposal for a directive
Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. A driver performing cabotage as defined by Regulations (EC) No 1072/2009 and 1073/2009 shall be considered to be posted under Directive 96/71/EC.

Or. en