Amendment 324

Report
Merja Kyllönen

Proposal for a directive
Article 2 b (new)

Text proposed by the Commission

Amendment

Article 2b

Member States shall provide for sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Article 2 of this Directive, where they know, or, in the light of all relevant circumstances ought to know, that the transport services that they commission infringe of this Directive.

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Directive and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.

Report
Merja Kyllönen

Proposal for a directive
Article 2 c (new)

Text proposed by the Commission

Amendment

Article 2c

Review clause on European platform of trusted companies

The Commission shall assess existing instruments and best practices promoting socially responsible behaviour of all actors in the delivery chain for goods and make a legislative proposal to establish a European Platform of Trust, if appropriate, within 2 years after entry into force of this Directive.
21.3.2019

Amendment 326

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Article 2d (new)

Text proposed by the Commission

Amendment

Article 2d

Smart enforcement

1. Without prejudice to Directive 2014/67/EU and in order to further enforce the obligations stipulated under Article 2 of this Directive, Member States shall ensure that a coherent national enforcement strategy is applied on their territory. That strategy shall focus on undertakings with a high risk rating, referred to in Article 9 of Directive 2006/22/EC of the European Parliament and of the Council.

2. Each Member State shall ensure that the checks provided for in Article 2 of Directive 2006/22/EC will include, where relevant, a check on posting and that these checks shall be carried out without
discrimination, in particular without discrimination based on the number plates of vehicles used in posting.

3. Member States shall target those undertakings which are classed as posing an increased risk of infringing the provisions of Article 2 of this Directive, applicable to them. For that purpose, Member States shall, within the risk classification system established by them under Article 9 of Directive 2006/22/EC of the European Parliament and of the Council and extended in accordance with Article 12 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, treat the risk of such infringements as a risk in its own right.

4. For the purpose of paragraph 3, Member States shall have access to relevant information and data recorded, processed or stored by the smart tachograph referred to in Chapter II of Regulation (EU) No 165/2014, posting declarations referred to in Article 2 (4) of this Directive and in electronic transport documents, such as electronic consignment notes under the Convention on the Contract for the International Carriage of Goods by Road (eCMR).

5. The Commission is empowered to adopt delegated acts to stipulate the characteristics of the data to which Member States shall have access to, the conditions for their use and the technical specifications for their transmission or access, specifying in particular:

(a) a detailed list of information and data to which national competent authorities shall have access to, which shall include at least the time and location of border crossings, loading and unloading operations, the registration plate of the vehicle and the driver details;

(b) the access rights of the competent authorities, differentiated where appropriate according to the type of
competent authorities, the type of access and the purpose for which the data is used;

(c) the technical specifications for the transmission or access to the data referred to in point (a), including, where relevant, the maximum duration that the data is retained, differentiated where appropriate according to the type of data.

6. Any personal data referred to in this Article shall be accessed or stored for no longer than is strictly necessary for the purposes for which the data were collected or for which they are further processed. Once such data are no longer needed for those purposes, they shall be destroyed.

7. Member States shall, at least three times per year, undertake concerted roadside checks on posting, which may coincide with checks performed in accordance with Article 5 of Directive 2006/22/EC. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of posting of two or more Member States, each operating in its own territory. Member States shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

The summary results of the concerted checks shall be made public in line with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

Or. en
Amendment 327

Report

Merja Kyllönen

Proposal for a directive

Article e (new) Regulation (EU) No 1024/2012
Annex – points 10 (new) and 11 (new)

Text proposed by the Commission

Amendment

Article 2 e

Regulation (EU) No 1024/2012 is amended as follows:

In the Annex the following points are added:

Amendment 328

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

Proposal for a directive
Article 3

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1. The Commission shall evaluate the implementation of this Directive, in particular the impact of Article 2, by [3 years after the date for transposition of this Directive] and report to the European Parliament and the Council on the application of this Directive. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.

1. Member States shall report annually to the Commission on the implementation of this Directive, in particular on the implementation of smart enforcement referred to in Article 2d and on the potential difficulties in enforcement. In order to enable the effectiveness of enforcement information to be assessed, the report shall include information on the effectiveness of:

- the smart tachograph, referred to in Chapter II of Regulation (EU) No 165/2014;
- the use of IMIs, referred to in Article 2 (5a) and (5b) of this Directive;
- the use of electronic transport documents, such as electronic consignment notes under the Convention on the Contract for the International Carriage of Goods by Road (eCMR);

- the exchange of information between competent authorities via ERRU and IMI, as well as the information on the effectiveness of authorities direct and real time access to both ERRU and IMI via the EU application during road side checks, as referred to in Articles 8 and 9 of Directive 2006/22/EC; and

- the implementation of the training programme aiming to help drivers and all other actors involved in the procedure, including undertakings, administrations, inspectors to adapt to the new rules and requirements affecting them.

2. Following the report referred to in paragraph 1, the Commission shall regularly evaluate this Directive and submit the evaluation results to the European Parliament and the Council.

2. The Commission may adopt implementing acts specifying the format of, and setting guidelines for, the reporting referred to in paragraph 1. Those implementing acts may include rules requiring that Member States provide the Commission with data on traffic flows and data on the Member States of registration of vehicles collected by toll systems in Member States, where such data exists, for the purpose of assessment of the effectiveness of enforcement of this Directive.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 2a (2).

3. Where appropriate, the reports referred to in paragraphs 1 and 2 shall be accompanied by relevant proposals.

3. No later than 31 December 2025, the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the effectiveness of enforcement, including a cost benefit analysis of use of weighing sensors for the purpose of automatic recording of loading/unloading points. The Commission report shall be
accompanied, if appropriate, by a legislative proposal. The report shall be made public.
Amendment 329

Report
Merja Kyllönen

Proposal for a directive
Article 3 a (new)

_text proposed by the Commission_

Amendment

Article 3a

_In the interests of ensuring compliance with the provisions of this Directive, both the Commission and the Member States shall establish a comprehensive and integrated programme of training and adaptation to the new rules and requirements for drivers and all other actors involved in the procedure, undertakings, administrations, inspectors_

Or. en
Amendment 330

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall adopt and publish, by [...] [The time limit for transposition will be as short as possible and, generally, will not exceed two years] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall adopt and publish, by 30 July 2020 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.
Amendment 331

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Article 4 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The transport sector, due to its recognised highly mobile nature, is exempt from the measures deriving from the legislative act amending Directive 96/71/EC until this Directive shall become applicable.

Or. en
Amendment 332

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Article 4 – paragraph 1 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

The transport sector is exempt from the measures deriving from the legislative act amending Directive 96/71/EC until the entry into force of enforcement requirements laying down specific rules with respect to transport of this Directive.

Or. en