22.3.2019

Amendment 645
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

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

Proposal for a directive
Title 1 a (new)

Text proposed by the Commission

Amendment

The European Parliament rejects the proposal of the European Commission

Or. en
Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

(1 a) The aims of this directive are to provide legal certainty, clarity, to foster enforcement of current legislation, fight against illegal practices and lower administrative burden.

Amendment

Or. en
(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.

(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.
Amendment 648
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

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Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

(5 a) Bearing in mind the specific character of transport services and the direct impact on the free movement of goods, with a special focus on road safety and security, roadside checks should be limited to the minimum. Drivers should not be liable for additional administrative obligations of their respective companies. Rules on working time should be controlled at the premises of the transport operator only.

Amendment

Or. en
Recital 11

(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. 

Provisions on the posting of workers provided for in Directive 96/71/EC, and on the enforcement of those provisions, provided for in Directive 2014/67/EU, should apply to the road transport sector in accordance with this Directive.
Amendment 650
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

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
Amendment

(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\textsuperscript{18} and 1073/2009\textsuperscript{19} 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 651
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

Report
Merja Kyllönen

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) Due to the absence of a sufficient link between a driver and the territory of a host Member State, transit operations should not be subject to this Directive, Directive 96/71/EC or Directive 2014/67/EU.
Amendment 652
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

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 3 – point a
Directive 2006/22/EC
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling within the scope of Directive 2002/15/EC.

Amendment

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and in the case of checks at the premises of mobile workers and drivers falling within the scope of Directive 2002/15/EC.

Or. en
22.3.2019

Amendment 653
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

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 3 – point a

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

(3a new) in paragraph 1, the first subparagraph is replaced by the following:

"1. Member States shall organise a system of appropriate and regular checks on correct and consistent implementation, as referred to in Article 1, both at the roadside and at premises of undertakings of all transport categories. Moreover, controls of compliance with the provisions of Directive 2002/15/EC shall be limited to checks at the premises of the undertakings."

Or. en
Amendment 654
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

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 3 – point b
Directive 2006/22/EC
Article 2 – paragraph 3 – subparagraph 1

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<th>Text proposed by the Commission</th>
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<td>Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU)165/2014 and Directive 2002/15/EC are checked.</td>
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Or. en