Amendment 764
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report
Merja Kyllönen

Proposal for a directive
Title 1

Text proposed by the Commission
Proposal for a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector

Amendment
Proposal for a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector
and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘IMI Regulation’)

Or. en
Amendment 765
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report A8-0206/2018
Merja Kyllönen

Proposal for a directive
Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) Given the high mobility of workforce in the road transport sector, sector-specific rules are needed to ensure the balance between the freedom to provide cross-border services for operators, the free movement of goods and the social protection of drivers. Therefore, the aim of this Directive is to provide legal certainty and clarity, to contribute to the harmonisation and fostering of enforcement and to the fight against illegal practices and lower administrative burden.

Or. en
Amendment 766
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report
Merja Kyllönen

Proposal for a directive
Recital I

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) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure the free movement of goods and the freedom to provide services, adequate working conditions and social protection for drivers and to provide a suitable business and competitive environment for operators, while respecting the fundamental freedoms, the free movement of goods and the freedom to provide services in particular as guaranteed by the Treaties.

Or. en
21.3.2019

Amendment 767
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group
Merja Kyllönen, Michèle Alliot-Marie, Pascal Arimont, Pilar Ayuso, Georges Bach,
Bendt Bendtsen, Reimer Böge, Daniel Caspary, Pilar del Castillo Vera, Salvatore Cicu,
Alberto Cirio, Birgit Collin-Langen, Lara Comi, Herbert Dorfmann, Christian Ehler,
Frank Engel, Rosa Estarás Ferragut, Francesc Gambús, Elisabetta Gardini, Jens
Gieseke, Esteban González Pons, Luis de Grandes Pascual, Ingeborg Gräßle, Françoise
Grossetête, Christophe Hansen, Monika Hohlmeier, Carlos Iturgaiz, Peter Jahr,
Dieter-Lebrecht Koch, Eduard Kukan, Werner Langen, Giovanni La Via, Peter Liese,
Antonio López-Istúriz White, Barbara Matera, Gabriel Mato, Alessandra Mussolini,
Angelika Niebler, Luděk Niedermayer, Aldo Patriciello, Markus Pieper, Franck Proust,
Dennis Radtke, Massimiliano Salini, Anne Sander, Sven Schulze, Andreas Schwab,
Michaela Šojdrová, Ivan Štefanec, Pavel Svoboda, Axel Voss, Rainer Wieland, Tomáš
Zdechovský

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

Amendment

(1a) Any national rules applied to road transport must be proportionate and justified and must not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty, such as the freedom of movement of services, in order to maintain or increase the competitiveness of the Union, whilst respecting the working conditions and social protection for the drivers.

Or. en
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 operators, most (90%) of which are SMEs with fewer than 10 workers, are not faced with disproportionate administrative barriers or abusive and discriminatory controls, unduly restricting their freedom to provide cross-border services.

Or. en
Amendment 769
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report
Merja Kyllönen

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission
(2a) Any national rules applied to road transport must be proportionate as well as justified and must not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty, such as the free movement of goods and the freedom to provide services in order to maintain or even increase the competitiveness of the Union, including the costs of products and services by respecting the working conditions and social protection for drivers as well as respecting the specificities of the sector since drivers are highly mobile workers, not posted workers.
Amendment 770
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

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 enhancing social and working conditions for drivers and facilitating the exercise of the freedom to provide road transport services based on fair, proportionate, non-discriminatory competition between national and foreign operators is crucial for the smooth functioning of the internal market. Any piece of national legislation or policy for implementation at national level in the transport sector must therefore be conducive to the development and strengthening of the single European transport area and in no way contribute to the fragmentation of the internal market.
Amendment 771
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

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

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.
Amendment 772
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report A8-0206/2018
Merja Kyllönen

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.

---

\(^{1a}\) Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision

(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.

(5) Adequate, effective and consistent enforcement of the working time and rest time provisions is crucial for improving road safety, 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 possibility of combining checks on driving time and working time with checks on rules on posting of drivers should be also available without additional administrative burden.
Checks of compliance with working time should be limited to checks carried out at the premises of transport operators until technology is available that allows the checks on working time to be carried out effectively at the roadside.