Amendment 784
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 9 d (new)

Text proposed by the Commission

(9d) Contractors should be encouraged to act with social responsibility by using transport operators that comply with the rules provided for by this Directive. To make it easier for contractors to find such transport operators, the Commission should assess existing instruments and best practices promoting socially responsible behaviour of all actors in the delivery chain for goods with a view to establishing a European platform of trusted transport companies, if appropriate.

Amendment

Or. en
Amendment 785
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

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

Proposal for a directive
Recital 9 e (new)

Text proposed by the Commission
Amendment

(9e) 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 786
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 10 a (new)

Text proposed by the Commission

Amendment

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

Or. en
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 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, in Directive 96/71/EC, and on the enforcement of those provisions, in Directive 2014/67/EU should apply to road transport sector under the terms of this Directive.
United in diversity
22.3.2019 A8-0206/788

Amendment 788
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 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, Directive 96/71/EC and Directive 2014/67/EU should apply to cabotage.

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. This sufficient link exists in case of 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, Directive 96/71/EC and Directive 2014/67/EU should apply to cabotage.
apply to cabotage *irrespective of the frequency and duration of the operations carried out by a driver.*
Amendment 789
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 12 a (new)

Text proposed by the Commission

Amendment

(12a) In case of international transport, the predominant link of a driver in the bilateral international transport would be to a Member State of establishment of the transport company, as the driver returns regularly back to the Member State of establishment of the transport company. A driver may undertake several bilateral transport operations during one journey. On the other hand, there is a sufficient link with the territory of a host Member State when a driver performs other types of operations, notably non-bilateral international transport operations, in that Member State.
Amendment 790  
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 12 b (new)

Text proposed by the Commission

(12b) In order to ensure efficient use of transport resources, take into account the operational realities and to reduce number of empty runs, which is an important element in achieving objectives of Paris agreement in relation to reduction of CO2 emissions, a limited number of additional transport activities should be possible without triggering the posting rules. Such activities consists of operations performed during a period in the course of or following bilateral international transport operation from the Member State of establishment and before the return journey to the Member State of establishment.
Amendment 791

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 12 c (new)

Text proposed by the Commission

Amendment

(12c) In case that the driver is engaged in a combined transport operation, the nature of the service provided during the initial or final road leg is closely linked with the Member State of establishment provided that the road leg on its own is a bilateral transport operation. On the other hand, there is a sufficient link with the territory of a host Member State when the transport operation during the road leg is carried out within the host Member State or, as a non-bilateral international transport operation, and therefore posting rules should apply in such a case.

Or. en
Amendment 792
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 12 d (new)

\textit{Text proposed by the Commission} \hspace{2cm} \textit{Amendment}

\textbf{(12d)} Since there is no sufficient link of a driver with a territory of a Member State of transit, transit operations should not be considered as posting situations. It should also be clarified that the fact that passengers get down of the bus during a stop for hygienic reasons does not change the qualification of the transport operation.

Or. en
Amendment 793
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 12 e (new)

Text proposed by the Commission

Amendment

(12e) Road transport is a highly mobile sector and requires a common approach to certain aspects of remuneration in the sector. Transport undertakings need legal certainty about the rules and requirements with which they have to comply. Those rules and requirements should be clear, understandable and easily accessible to transport undertakings, and should enable effective checks. It is important that new rules do not introduce unnecessary administrative burden and that they duly take into account the interests of SMEs.

Or. en