Amendment 794
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 f (new)

Text proposed by the Commission

(12f) Where, in accordance with national law, traditions and practice, including respect for the autonomy of social partners, the terms and conditions of employment referred to in Article 3 of Directive 96/71/EC are laid down in collective agreements in accordance with Article 3(1) and (8) of that Directive, Member States should ensure that, in line with Directive 2014/67/EU, those terms and conditions are made available in an accessible and transparent way to transport undertakings from other Member States and to posted drivers, and should seek the involvement of the social partners in that respect. The relevant information should, in particular, cover
the different remunerations and their constituent elements, including elements of remunerations provided for in the locally or regionally applicable collective agreements, the method used to calculate the remuneration due and, where relevant, the qualifying criteria for classification in the different wage categories. In accordance with Directive (EU) 2018/957/EU amending Directive 96/71/EC transport undertakings should not be penalized for non-compliance with elements of remuneration, the method used to calculate the remuneration due and, where relevant, the qualifying criteria for classification in the different wage categories which are not publically available.
22.3.2019 A8-0206/795

Amendment 795
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 13

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

Amendment

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph. With a view to minimising the complexity of the obligations laid down in this Directive and Directive 96/71, Member States should be free to impose only the administrative requirements specified in this Directive – which have been tailored to suit the road transport sector – on road transport
operators.
Amendment 796
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 13 a (new)

Text proposed by the Commission

(13a) With a view to minimising the administrative burden and document management tasks incumbent on drivers, transport operators shall provide, at the request of the competent authorities in the Member State in which the operator is based, all necessary documents, as set out in the provisions of Chapter III of Directive 2014/67/EU on mutual assistance and cooperation between Member States.

Amendment

Or. en
Amendment 797
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 13 b (new)

Text proposed by the Commission

(13b) In order to facilitate the implementation, application and enforcement of this Directive, the internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 should be used in Member States for the enhanced exchange of information between regional and local authorities across borders. It could also be an advantage to extend the features of IMI to include the submission and transmission of simple declarations.

Amendment

Or. en
Amendment 798
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 13 c (new)

**Text proposed by the Commission**

*13c* In order to reduce administrative burden of transport operators which are often small and medium-sized enterprises, it would be appropriate to simplify the process of sending declarations on posting by transport operators through standardised forms with some pre-defined elements translated in all official languages of the Union.

*Or. en*
Amendment 799
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 13 d (new)

Text proposed by the Commission

Amendment

(13d) A general implementation and application of the rules for the posting of workers to road transport could impact the structure of the Union road freight transport industry. Therefore, Member States and the Commission should closely monitor the impact of this process.

Or. en
Amendment 800
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 13 e (new)

Text proposed by the Commission

Amendment

(13e) Enforcement should concentrate on inspections at the premises of the undertakings. Roadside checks should not be excluded but should be undertaken in a non-discriminatory manner only for consignment notes or their electronic versions, confirmations of the pre-registration and attestation for return to country of operator’s establishment or driver’s residence. Roadside checks should control in the first place tachographs data which is important to determine the activity of a driver and vehicle over a four-week rolling period and the geographical coverage of this activity. The recording of the country code
can help.
Amendment 801
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 13 f (new)

Text proposed by the Commission

(13f) The impact of the application and the enforcement of the rules for the posting of workers on the road transport industry should be repeatedly evaluated by the Commission and reported to the Parliament and the Council, and proposals should be made to further simplify them and reduce the administrative burden.

Amendment

Or. en
Amendment 802

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 13 g (new)

Text proposed by the Commission

Amendment

(13g) In recognition of the need for specific treatment for the transport sector, in which movement is the very essence of the work undertaken by drivers, the application of Directive 96/71/EU to the road transport sector should coincide with the date of entry into force of the amendment of Directive 2006/22/EC as regards enforcement requirements, and specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector.

Or. en

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Amendment 803
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 13 h (new)

Text proposed by the Commission

Amendment (13h) In order to adapt the Annexes of this Directive to developments in best practice, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending those Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making*. In
particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States’ experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.