Amendment 834
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
Article 1 – paragraph 1 – point 9 – point a b (new)
Directive 2006/22/EC
Annex I – Part A – point 4

Present text

(4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets) or, where appropriate, presence of the documents referred to in Article 14 (5) of Regulation (EEC) No 3820/85;

Amendment

(-ab) in Part A, point (4) is replaced by the following:

“(4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets) or, where appropriate, presence of the documents referred to in Article 16(2) of Regulation (EC) No 561/2006;”
Amendment 835  
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 Bőge, Daniel Caspary, Pilar del Castillo Vera, Salvatore Cicc,  
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  
Article 1 – paragraph 1 – point 9 – point a  
Directive 2006/22/EC  
Annex I – Part A – point 6

Text proposed by the Commission  
Amendment

(6) weekly working times as set out in Articles 4 and 5 of Directive 2002/15/EC.

(6) weekly working times as set out in Articles 4 and 5 of Directive 2002/15/EC,  
provided that technology enables effective checks to be carried out.

Or. en
Amendment 836
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report
Merja Kyllönen

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point b a (new)
Directive 2006/22/EC
Annex I – Part B – paragraph 2

Present text

Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

Amendment

(ba) in Part B, paragraph 2 is replaced by:

“Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EC) No 561/2006 and (EU) No 165/2014.”

Or. en
Amendment 837
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report
Merja Kyllönen

Proposal for a directive
Article 2 – paragraph 2 – subparagraph 1

Text proposed by the Commission

1a. These specific rules shall apply to drivers employed by undertakings established in a Member State which take one of the transnational measures referred to in Article 1(3)(a) of Directive 96/71/EC.

2. Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to

2. A driver shall not be considered to be posted for the purpose of Directive 96/71/EC when performing bilateral transport operations.
perform these operations is shorter than or equal to 3 days during a period of one calendar month.

For the purpose of this Directive, a bilateral transport operation in respect of goods is the movement of goods, based on a transport contract, from the Member State of establishment, as defined in Article 2(8) of Regulation (EC) No 1071/2009 to another Member State or a third country, or from another Member State or third country to the Member State of establishment.

2a. From the date on which drivers shall record border crossing data manually, as required in Article 34(7) of Regulation (EU) No 165/2014, Member States shall also apply the exemption set out in paragraph 2 in respect of goods transport when:

- the driver performing a bilateral transport operation in addition thereto performs one activity of loading and/or unloading in the Member States or third countries that the driver crosses, provided that the driver does not load goods and unloads them in the same Member State.

Where a bilateral transport operation starting from the Member State of establishment during which no additional activity was performed is followed by a bilateral transport operation to the Member State of establishment, the exception shall apply for up to two additional activities of loading and/or unloading, under the conditions set out above.

This exemption shall apply only until the date on which the smart tachograph complying with the recording of border crossing and additional activities referred to in Article 8(1) subparagraph 1 of Regulation (EU) 165/2014 shall be fitted in the vehicles registered in a Member States for the first time, as specified in Article 8(1) subparagraph 2 of that
Regulation. From that date the exemption referred to in the first subparagraph shall apply solely to drivers using vehicles fitted with a smart tachograph as provided in Articles 8, 9 and 10 of that Regulation.

2b. A driver engaged in international occasional or regular carriage of passengers, as defined in Regulation (EC) No 1073/2009, shall not be considered to be posted for the purpose of Directive 96/71/EC when:

- picking up passengers in the Member State of establishment and setting them down in another Member State or a third country; or

- picking up passengers in a Member State or a third country and setting them down in the Member State of establishment; or

- picking up and setting down passengers in the Member State of establishment for the purpose of local excursions, as defined in Regulation (EC) No 1073/2009.

2c. A driver performing cabotage as defined by Regulations (EC) No 1072/2009 and 1073/2009 shall be considered to be posted under Directive 96/71/EC.

2d. Notwithstanding Article 2(1) of Directive 96/71/EC, a driver shall not be considered to be posted to the territory of a Member State that the driver transits through without loading or unloading freight and without picking up or setting down passengers.

2e. In case where the driver is performing the initial or final road leg of a combined transport operation as defined in Directive 92/106/EEC, the driver shall not be considered posted for the purpose of Directive 96/71/EC if the road leg on its own consists of bilateral transport operations as defined in paragraph 2.
2f. **Member States shall ensure that**, in line with Directive 2014/67/EU, terms and conditions of employment referred to in Article 3 of Directive 96/71/EC, which are laid down in collective agreements in accordance with Article 3(1) and (8) of that Directive are made available in an accessible and transparent way to transport undertakings from other Member States and to posted drivers. The relevant information shall, 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 shall 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.

2g. **Transport undertakings established in a non-member State must not be given more favourable treatment than undertakings established in a Member State.**

**Member States shall implement equivalent measures to Directive 96/71/EC and this Directive [XX/XX] (lex specialis) in their bilateral agreements with third countries when granting access to the EU market to road transport undertakings established in such third countries. Member States shall also strive to implement such equivalent measures in the context of multilateral agreements with third countries. Member States shall notify the relevant provisions of their bilateral and multilateral agreements with**
third countries to the Commission.

For the purpose of ensuring adequate control of these equivalent measures on posting by third country operators, Member States shall ensure that the revised rules in Regulation (EU) XXX/XXX as regards positioning by means of tachograph [Regulation modifying Regulation 165/2014] are implemented in the framework of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR).
Amendment 838
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report
Merja Kyllönen

Proposal for a directive
Article 2 – paragraph 2 – subparagraph 2

Text proposed by the Commission

When the period of posting is longer than
3 days, Member States shall apply points
(b) and (c) of the first subparagraph of
Article 3 (1) of Directive 96/71/EC for the
total period of posting to their territory
during the period of one calendar month
referred to in the first subparagraph.

Amendment
deleted

Or. en
Amendment 839
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
Article 2 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. For the purposes of the calculation of the periods of posting referred to in paragraph 2:

deleted

Or. en
Amendment 840
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
Article 2 – paragraph 3 – point a

Text proposed by the Commission

(a) a daily working period shorter than six hours spent in the territory of a host Member State shall be considered as half a day;

Amendment

deleted

Or. en
Amendment 841
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report
Merja Kyllönen

Proposal for a directive
Article 2 – paragraph 3 – point b

Text proposed by the Commission

(b) a daily working period of six hours or more spent in the territory of a host Member State shall be considered as a full day;

Amendment

deleted

Or. en
Amendment 842
Ismail Ertug
on behalf of the S&D Group
Pavel Telička
on behalf of the ALDE Group

Report
Merja Kyllönen

Proposal for a directive
Article 2 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) breaks and rest periods as well as deleted periods of availability spent in the territory of a host Member State shall be considered as working period.

Or. en
Amendment 843
*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**

**Article 2 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Member States may only impose the following administrative requirements and control measures:

*Amendment*

4. **By way of derogation from Article 9 of Directive 2014/67/EU, Member States may only impose the following administrative requirements and control measures:**