

**Question for written answer E-007661/2017  
to the Commission**  
Rule 130  
**Richard Sulík (ECR)**

Subject: Posting of workers in the international transport sector

In its general approach of 23 October 2017, the Employment, Social Policy, Health and Consumer Affairs Council agreed that the revised rules on the posing of workers would not apply until the entry into force of the specific legislation (the proposed COM(2017) 278). Until then, the rules of Directive 96/71/EC will apply in the road transport sector.

The proposed directive COM (2017) 278 specifies that, for postings of up to 3 days in the performance of international road transport, Member States will not have to apply Article 3(1) first subparagraph of clauses (b) and (c) of the Posted Workers Directive to drivers in the road transport sector. The proposal does not specify posting in international transport in greater detail, but only refers to the definitions in Regulations No 1072/2009 and No 1073/2009.

1. Does this mean that the proposed directive would apply to all international transport operations except for those not subject to Regulations No 1072/2009 and No 1073/2009, regardless of the Council recommendation of 20 May 1996, point 3?
2. If the driver of a lorry weighing more than 3.5 t or the driver of a coach has a job to perform in a specific Member State and, within the terms of his employment contract, performs work in that State and also takes on/sets down passengers or loads/unloads freight in another EU State or in a number of EU States, should such a trip be regarded as the posting of the worker, if the driver's employer benefits from it on the basis of an agreement with a third party on the transportation of goods/passengers?