



2017/0121(COD)

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AMENDMENTS

23 - 148

Draft opinion
Martina Dlabajová
(PE615.267v01-00)

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

Proposal for a directive
(COM(2017)0278 – C8-0170/2017 – 2017/0121(COD))

Amendment 23
Karima Delli, Terry Reintke

Proposal for a directive
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) **and points (a) and (b) of Article 153(1) in conjunction with Article 153(2)** thereof,

Or. en

Amendment 24
Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Recital 1

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) ***The free movement of workers, freedom of establishment, and freedom to provide services are fundamental principles of the internal market in the Union; they are enshrined in the Treaty on the Functioning of the European Union (TFEU) and are essential to a properly functioning internal market. The implementation and enforcement of those principles is further developed by the Union, aimed at guaranteeing a level playing field for businesses, combating the circumvention of rules, respecting workers' rights, improving working conditions, and enhancing social cohesion among Member States.*** In order to create a safe, efficient and socially responsible road transport sector, it is ***therefore*** necessary to ensure ***equal pay for equal work at the same place, decent*** working conditions and social protection for drivers, on the one hand, and suitable

business and fair competition conditions for operators, on the other.

Or. en

Amendment 25

Ádám Kósa, Csaba Sógor, Andor Deli

Proposal for a directive

Recital 1

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 **a balance between free movement of services**, adequate working conditions and social protection for drivers, on the one hand, **to provide a** suitable business and **competitive environment** for operators, on the other, **while respecting the fundamental freedoms, the freedom of movement of services in particular, guaranteed by the Treaties**.

Or. en

Amendment 26

Anthea McIntyre

Proposal for a directive

Recital 1

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 **and avoid undue restrictions to the freedom to provide cross-border road transport services** it is necessary to ensure adequate working conditions and social protection for drivers, on the one hand, and **a competitive** business **environment** for operators, on the other.

Amendment 27

Karima Delli, Terry Reintke

Proposal for a directive

Recital 1

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 ***of utmost importance*** to ensure ***decent*** working conditions and social protection for drivers and fair competition ***as well as a level playing field in the Union.***

Or. en

Amendment 28

Karima Delli

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The President of the Commission Jean-Claude Juncker mentioned the foreseeable creation of a European Labour Authority in his State of the Union 2017 speech.

Or. en

Amendment 29

Karima Delli, Terry Reintke

Proposal for a directive

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, **a fair level playing field is kept while respecting the** freedom to provide services.

Or. en

Amendment 30

Emilian Pavel, Claudia Tapardel

Proposal for a directive

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 are not faced with disproportionate administrative barriers **or abusive controls**, unduly restricting their freedom to provide cross-border services.

Or. en

Amendment 31

Ádám Kósa, Csaba Sógor, Andor Deli

Proposal for a directive

Recital 2 a (new)

Text proposed by the Commission

Amendment

(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 freedom of movement of services in order to maintain or even increase the competitiveness of the European Union, including the costs of products and services by respecting the working conditions and social protection for drivers as well as the speciality of the sector since drivers are highly mobile workers, not posted workers.

Or. en

Amendment 32
Evelyn Regner, Georgi Pirinski

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The road transport sector is highly competitive and characterized by a dimension of distortions generated by abusive forum shopping practices of undertakings in order to lower or avoid costs on wages and social security contributions or other social and working conditions which led to a race to the bottom competition in the past. A functioning internal market must be based on a level playing field. Therefore further steps are necessary to prevent abusive practices by road transport operators though forum shopping, including horizontal measures in European Company law to end regime shopping and regulatory arbitrage by road transport operators.

Or. en

Amendment 33
Karima Delli, Terry Reintke

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) 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 ***should go hand in hand in order to ensure*** the smooth functioning of the internal market ***and improve the working and living conditions for drivers in the road transport sector in the Union.***

Or. en

Amendment 34
Mara Bizzotto

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) ***Improved*** social and working conditions for drivers, ***proper safety standards,*** the ***simplification*** of ***administrative formalities and an adequate number of checks to ensure*** fair competition between ***domestic*** and foreign operators ***are of paramount importance to creating a properly*** functioning road transport sector ***in*** the internal market.

Or. it

Amendment 35
Ádám Kósa, Csaba Sógor, Andor Deli

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 *ensuring* the exercise of the freedom to provide road transport services based on *non-discriminatory* competition between national and foreign operators *as enshrined in the Treaty and social and working conditions for drivers are* crucial for the smooth functioning of the internal market.

Or. en

Amendment 36

Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

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, facilitating the exercise of the freedom to provide road transport services *and ensuring* fair competition between national and foreign operators is crucial for the smooth functioning of the internal market.

Or. fr

Amendment 37

Ádám Kósa, Csaba Sógor, Andor Deli

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

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. 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.

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 ***the illegal and unlawful practice of*** unequal treatment of drivers and operators ***in some Member States***, which is detrimental to the working, social and competition conditions in the sector ***and, in some cases, leads to the populist rhetoric of social dumping, whilst more emphasis should be put on fighting against undeclared workers in transport sector.***

Or. en

Amendment 38
Mara Bizzotto

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) ***Current EU*** social legislation in ***the road transport sector has fostered social dumping, unregulated relocation*** and, in general, ***the proliferation of illicit practices causing unfair competition*** in this sector, ***such as, for example, the misuse of cabotage arrangements or letterbox companies.***

Or. it

Amendment 39
Anthea McIntyre

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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. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules ***which have generated high administrative burdens for non-resident Union operations in particular***. This creates legal uncertainty and unequal treatment of drivers and operators, which is detrimental to the working, social and competition conditions in the sector.

Or. en

Amendment 40
Dominique Martin, Joëlle Mélin

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 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 41

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

**Proposal for a directive
Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) In order to ensure that Directive 96/71/EC relating to the posting of drivers in the road transport sector and Directive 2014/67/EU of the European Parliament and of the Council relating to administrative requirements and control measures for the posting of those drivers 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.

Or. en

**Amendment 42
Mara Bizzotto**

**Proposal for a directive
Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) Any further liberalisation of cabotage, which is likely to further destabilise the road transport sector, with devastating consequences for Italian and European road haulage, should be rejected.

Or. it

Amendment 43
Mara Bizzotto

Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) The difficulties experienced in the road transport sector are not exclusively due to the general economic crisis but have been facilitated by EU social policies and by the rules on posting, which have fostered the exploitation of the staff periodically hired, who, despite living and working in one Member State, are paid in accordance with the lower standards of the country of origin.

Or. it

Amendment 44
Anthea McIntyre

Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(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 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. ***In order to ensure proportionality, the checks as outlined in Directive 2002/15/EU must be required to take place only at the operators' premises and not as part of other roadside checks.***

Amendment 45
Danuta Jazłowiecka

Proposal for a directive
Recital 5

Text proposed by the Commission

(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.

Amendment

(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. ***However, due to its specificities, compliance with Directive 2002/15/EU can only be controlled at the premises and not during the roadside checks.***

Or. en

Amendment 46
Karima Delli, Terry Reintke

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The administrative cooperation between Member States with regard to the implementation of the social rules in road transport has proven insufficient, making cross-border enforcement more difficult, inefficient and inconsistent. It is therefore necessary to establish a framework for effective communication and mutual assistance, including exchange of data on

Amendment

(6) The administrative cooperation between Member States ***and Union support*** with regard to the implementation of the social rules in road transport has proven insufficient, making cross-border enforcement more difficult, inefficient and inconsistent. It is therefore necessary to establish a framework for effective communication and mutual assistance,

infringements and information on good practices in enforcement.

including exchange of data on infringements and information on good practices in enforcement.

Or. en

Amendment 47

Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) In order to ensure uniform conditions for the implementation of Directive 2006/22/EC, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011¹⁴.

deleted

¹⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. fr

Amendment 48

Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 9

Text proposed by the Commission

Amendment

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive

96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. ***The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for non-resident Union operators. This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.***

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector.

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

Or. fr

Amendment 49 **Karima Delli, Terry Reintke**

Proposal for a directive **Recital 9**

Text proposed by the Commission

(9) Difficulties have also been experienced in ***applying*** the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and

Amendment

(9) Difficulties have also been experienced in ***enforcing*** the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and

of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ *to* the highly mobile road transport sector. ***The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for non-resident Union operators. This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.***

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ *for workers in* the highly mobile road transport sector. ***Those difficulties need to be remedied urgently by ensuring that every worker enjoys the rights related to minimum protection at the workplace regardless of the duration of his/her work.***

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

Or. en

Amendment 50

Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and

Amendment

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and

of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for *non-resident* Union operators. ***This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.***

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for Union operators, ***and have created unfairness in inter-company competition in the sector.***

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

Or. fr

Amendment 51

Georgi Pirinski

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the

Amendment

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the

administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for non-resident Union operators. This *created undue* restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for non-resident Union operators. This *allowed for the introduction by some Member States of measures in breach of Union law and led to illegal* restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

Or. en

Amendment 52

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Difficulties have also been experienced in applying the rules on

Amendment

(9) Difficulties have also been experienced in applying the rules on

posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated **high** administrative burdens for **non-resident Union** operators. ***This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.***

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated **not only unnecessary** administrative burdens for operators **but also a high degree of legal uncertainty for drivers.**

¹⁵ 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 of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

Or. en

Amendment 53

Jérôme Lavrilleux, Elisabeth Morin-Chartier, Anne Sander, Renaud Muselier, Geoffroy Didier, Franck Proust

Proposal for a directive Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Non-compliance with the rules on the establishment of international road

transport companies is creating differences within the single market and contributing 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. fr

Amendment 54

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) The Commission, in its proposal of 8 March 2016¹⁷ for the revision of Directive 96/71/EC, recognized that the implementation of that Directive raises particular legal questions and difficulties *in the highly mobile road transport sector* and indicated that those issues should be best addressed through sector-specific road transport legislation.

¹⁷ COM(2016)128

Amendment

(10) The Commission, in its proposal of 8 March 2016¹⁷ for the revision of Directive 96/71/EC, recognized that the implementation of that Directive *in the highly mobile road transport sector*, raises particular legal questions and difficulties and indicated that those issues should be best addressed through sector-specific road transport legislation. *However, taking into account that the transport sector is one of the most vulnerable sectors, the protective minimum provisions of Directive 96/71/EC must be applied to all workers.*

¹⁷ COM(2016)128

Or. en

Amendment 55

Jeroen Lenaers

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) The Commission, in its proposal of 8 March 2016¹⁷ for the revision of Directive 96/71/EC, recognized that the implementation of that Directive raises particular legal questions and difficulties in the highly mobile road transport sector and indicated that those issues should be best addressed through sector-specific road transport legislation.

¹⁷ COM(2016) 128.

Amendment

(10) The Commission, in its proposal of 8 March 2016¹⁷ for the revision of Directive 96/71/EC, recognized that the implementation of that Directive raises particular legal questions and difficulties in the highly mobile road transport sector and indicated that those issues should be best addressed through sector-specific road transport legislation. ***Until the rules in question become applicable, the existing Directives 96/71/EC and 2014/67/EU will continue to apply to road transport.***

¹⁷ COM(2016) 128.

Or. nl

Amendment 56
Karima Delli, Terry Reintke

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) ***The Commission, in its proposal of 8 March 2016¹⁷ for the revision of Directive 96/71/EC, recognized that the implementation of that Directive raises particular legal questions and difficulties in the highly mobile road transport sector and indicated that those issues should be best addressed through sector-specific road transport legislation.***

¹⁷ COM(2016)128

Amendment

(10) ***During the ongoing revision of Directive 96/71/EC, the best way to address the particular legal questions and difficulties in the highly mobile road transport sector remains to be answered by the co-legislators. The aim of sector-specific road transport legislation should therefore be to ensure the protection of the workers concerned while safeguarding implementation feasibility.***

Or. en

Amendment 57

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

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 the Union, working conditions should be significantly improved in order to increase the attractiveness of the profession.

Or. en

Amendment 58

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 11

Text proposed by the Commission

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.

deleted

Or. en

Amendment 59

Robert Rochefort

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 *as well as the need to ensure that inter-company competition in the sector is fair. The provisions on posting of workers in Directive 96/71/EC, and on the enforcement of those provisions in Directive 2014/67/EU, apply to the road transport sector unless this Directive provides otherwise.*

Or. fr

Amendment 60
Karima Delli, Terry Reintke

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 *fundamentally step up enforcement.*

Or. en

Amendment 61
Jeroen Lenaers

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. ***Until the rules in question become applicable, the existing Directives 96/71/EC and 2014/67/EU will continue to apply to road transport.***

Or. nl

Amendment 62
Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Renaud Muselier, Franck Proust

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, ***as well as the need to ensure that inter-company competition in the sector is fair.***

Or. fr

Amendment 63
Verónica Lope Fontagné

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, ***while at the same time respecting freedom of establishment.***

Or. es

Amendment 64
Georges Bach

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 ***and to ensure fair competition*** 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.

Or. en

Amendment 65
Karima Delli, Terry Reintke

Proposal for a directive
Recital 12

Text proposed by the Commission

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. 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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

deleted

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. en

Amendment 66
Claude Rolin

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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State.* As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ *Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).*

¹⁹ *Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)*

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link *between* a driver *and the* territory of a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to *international transport and* cabotage *operations* irrespective of the frequency and duration of the operations carried out by a driver.

Or. fr

Amendment 67
Emilian Pavel, Claudia Tapardel

Proposal for a directive
Recital 12

(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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.***

(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, international transport operations, ***as well as*** cabotage operations, ***where both the driver and the vehicle return to the Member State of establishment, should not be subject to Directive 96/71/EC and Directive 2014/67/EU, if carried out in an established time threshold.***

¹⁸ *Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).*

¹⁹ *Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)*

Or. en

Amendment 68

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a directive

Recital 12

(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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.***

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

(12) ***To that end, the minimum rate of pay and the minimum annual paid holidays of the host Member State should be applied to both international transport and cabotage operations, as defined by Regulations (EC) No 1072/2009¹⁸ and (EC) No 1073/2009¹⁹, irrespective of the frequency and duration of the operations carried out by a driver. Where operations are conducted in more than one Member State on the same day, the conditions of the Member State most favourable for the driver should apply.***

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. it

Amendment 69

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 12

(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 1072/2009¹⁸ and 1073/2009¹⁹ ***since the entire*** transport operation is taking place in ***a host*** Member State. As a consequence the minimum rate of ***pay*** and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

(12) Cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ ***are service provisions which are covered by Directive 96/71/EC as the*** transport operation is ***entirely*** taking place in ***another*** Member State. As a consequence the minimum rate of ***remuneration*** and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. en

Amendment 70
Michaela Šojdrová

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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

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. 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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver. ***The time threshold should be determined in a manner which enables a reasonable amount of drivers posted within international transport operations not to exceed it. An excessively low threshold would be disproportionate and contrary to the freedom to provide services.***

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. en

Justification

Three days is too little and therefore disproportionate and detrimental to the freedom to

provide services. Furthermore, it could incite transport operators to change route planning in order not to exceed the threshold, which could lead to excessive traffic on unsuitable routes, deterioration of road quality and have implications on other general interests such as road safety. It could also increase bogus self-employment.

Amendment 71

Sofia Ribeiro

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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence*** the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply ***to cabotage*** irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ ***Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).***

¹⁹ ***Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for***

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. Therefore, a ***per diem should be paid at a level not less than*** the minimum rate of pay of the host Member State, ***where the time spent in that Member State is not less than half a day^{18a}. In the case of cabotage, at least*** the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply, irrespective of the frequency and duration of the operations carried out by a driver.

^{18a} ***A daily working period shorter than six hours spent in the territory of a host Member State***

Amendment 72

Ádám Kósa, Csaba Sógor, Andor Deli

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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.***

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009,

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. ***Transit and*** international transport operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ ***should not be subject to Directive 96/71/EC and Directive 2014/67/EU as there is no direct competition with national companies in the case of transit and international transport and there is a clear link of the driver to the Member State of establishment of the company.***

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009,

Amendment 73**Georges Bach****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 should *not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a* host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Amendment

(12) Such balanced criteria should be based on a *simple, readily understood* concept of a link *between* a driver *and the* territory of a host Member State. This *link* should *be characterised by at least one commercial loading or unloading operation on the territory of the* host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to *international transport and cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹, and* irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Amendment 74

Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence* the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Amendment

(12) Such balanced criteria should be based on *the simple, readily understood* concept *of the* link between a driver *and the* territory of a host Member State. *This link should be characterised by at least one commercial loading or unloading operation taking place on the territory of the host Member State. Furthermore,* the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to *international transport and* cabotage *operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹* irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Amendment 75
Ole Christensen

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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.**

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ **Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)**

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link **between the transport operation and the Member State where the transport operator is registered**. Therefore, **it** should be established **that only international carriage operations beginning and ending in the Member State where the transport operator is registered should be exempt from the application points (b) and (c) in directive 96/71/EC. All other international carriage operations and cabotage operations as defined by Regulation 1072/2009¹⁸ should be covered by points point (b) and (c) in directive 96/71/EC for the entire operation.**

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

Or. en

Amendment 76
Jeroen Lenaers

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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the ***minimum rate of pay and the minimum annual paid holidays*** of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

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. Therefore, a time threshold should be established, beyond which the ***core terms of employment and working conditions, as laid down in Article 3(1) of Directive 96/71/EC***, 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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the ***core terms of employment and working conditions, as laid down in Article 3(1) of Directive 96/71/EC***, of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. nl

Amendment 77
Verónica Lope Fontagné

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 1072/2009¹⁸ and 1073/2009¹⁹** since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage *irrespective of the frequency and duration of the operations carried out by a driver*.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ **Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)**

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. 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 apply to cabotage operations as defined by **Regulation 1072/2009¹⁸** since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage *once this threshold has been exceeded*.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

Or. es

Amendment 78
Dominique Martin, Joëlle Mélin

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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum *rate of pay and* the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link *between* a driver *and the* 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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum *rates of remuneration and allowances, the* minimum annual paid holidays *and all other social provisions* of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. fr

Amendment 79
Robert Rochefort

Proposal for a directive
Recital 12

(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 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence* the minimum rate of pay and the minimum annual paid holidays of the host Member State *should apply to* cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

(12) Such balanced criteria should be based on *the simple, readily understood* concept *of the link between* a driver and *the* territory of a host Member State. *This link should be characterised by at least one commercial loading or unloading operation taking place in the host Member State. Furthermore, in order to eliminate any uncertainty or complications for the Member States and for companies, and to avoid any disparity between workers,* the minimum rate of pay and the minimum annual paid holidays of the host Member State *should be applied to international transport and* cabotage *operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹* irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. fr

Amendment 80
Anthea McIntyre

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 1072/2009¹⁸ **and 1073/2009**¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ **Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)**

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. Therefore, a **proportionate and realistic** 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 1072/2009¹⁸ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

Or. en

Amendment 81
Danuta Jazłowiecka

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 1072/2009¹⁸ **and 1073/2009**¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

¹⁹ **Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)**

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. 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 1072/2009¹⁸ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

Or. en

Justification

Road passenger transport companies will be especially affected by measures that primarily aim at solving problems accruing in the freight transport. When bringing passengers/ tourists the passenger transport operators usually do not enter into competition with local operators as they are only at the disposal of their passengers. Therefore passenger transport should be excluded from the scope of this Directive.

Amendment 82
Ádám Kósa, Csaba Sógor, Andor Deli

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) A time threshold should apply to cabotage operations as defined in Regulations (EU) No 1072/2009^{1a} and (EU) No 1073/2009^{1b} since the entire transport operation is taking place in a host Member State. As a consequence, the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply beyond the time threshold set in Article 8(2) of Regulation (EU) No 1072/2009.

^{1a} Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

^{1b} Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

Or. en

Amendment 83
Danuta Jazłowiecka

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Due to its specificities and due to the lack of sufficient link of the driver with the territory of the host Member

State, transit operations should be excluded from the scope of this Directive. The same exemption should be made with regards to transport operations in cross-border regions, carried out by transport operators from these regions, within 100 kilometres of the border.

Or. en

Justification

Applying posting rules to transport operations being carried out on a permanent basis in cross-border regions would affect badly, medium and small enterprises. In this case drivers do not go for long distances, they rest, eat and sleep back home. Transit operations do not meet characteristics of the posting, therefore they should be excluded from the scope of this directive. Transport operators carrying out transit via Member States do not enter into direct competition with local operators.

Amendment 84
Verónica Lope Fontagné

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Given the lack of a link in transit operations between drivers and the Member State in which they move, transit operations should be excluded from the scope of this Directive.

Or. es

Amendment 85
Emilian Pavel, Claudia Țapardel

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Transit transport operations will not be subject to Directives 96/71/EC and 2014/67/EU.

Amendment 86
Danuta Jazłowiecka

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. ***There is a need for more targeted and effective controls therefore there should be a clear distinction between the road controls and controls at the premises. This will also allow to multiply the number of controls and at the same time reduce administrative burdens.***

Amendment 87
Ádám Kósa, Csaba Sógor, Andor Deli

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

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 ***and drivers as highly mobile workers, the Internal Market Information System (IMI), established by Regulation No 1024/20112***

tools such as the digital tachograph.

*should be used for exchange of information between Member States and standardized forms of documents together with specific non-burdensome administrative and control requirements should **also** be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.*

Or. en

Amendment 88
Robert Rochefort

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. Control tools *should be strengthened, and specifically the smart tachograph should be introduced across the board as soon as possible, in order significantly to improve the monitoring of compliance with the rules on posting of drivers for international transport and cabotage operations.*

Or. fr

Amendment 89
Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

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. ***Introducing the smart*** tachograph ***across the board as soon as possible is a prerequisite for effective and efficient monitoring of compliance with the rules on posting of drivers for international transport and cabotage operations.***

Or. fr

Amendment 90
Anthea McIntyre

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 ***existing*** control tools such as the digital tachograph. ***In line with the principle of proportionality, additional control requirements should take place at the operators' premises and not during other roadside checks.***

Or. en

Amendment 91

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

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 *Internal Market Information System (IMI), the GNSS portal for road transport and the smart* tachograph.

Or. it

Amendment 92

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

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 *Directive 96/71/EC in the transport sector* 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, *which has to be introduced on a mandatory basis by 2 January 2020, at the latest.*

Or. en

Amendment 93

Jeroen Lenaers

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, *standardised forms should be developed by the Commission and flexible* specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the *smart* tachograph.

Or. nl

Amendment 94

Sofia Ribeiro

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, *standardised forms developed by the Commission and* specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

Or. pt

Amendment 95

Karima Delli, Terry Reintke

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 ***strong and clear*** administrative and control requirements ***in line with Directive 2014/67/EC*** should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

Or. en

Amendment 96
Emilian Pavel, Claudia Tapardel

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Practices of company subsidiary system where the parent company in a specific country gathers most of the profit, leaving subsidiary transport companies in other countries with limited resources whilst they gain most of the turnover from their transport business, should be avoided as such practices might lead to inequalities and disproportionate profit shifting amongst the Member States, leaving at a disadvantaged point, the Member States where the subsidiary companies reside; as a negative social result of such practices, the income of the drivers in the countries where the subsidiary companies reside are kept at a lower level; in order to tackle possible unfair competitive advantages within the road transport sector such practices of should be closely analysed and avoided;

Or. en

Amendment 97

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to ensure uniform conditions for the implementation of Regulation (EU) No 165/2014 and to draw up a standard payslip for posted drivers, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

Or. it

Amendment 98

Danuta Jazłowiecka

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In the case of a control of substantial activity any possible application of Article 4 paragraph 2, especially points d and e, of the Enforcement Directive 2014/67/EU should take into account the specific characteristics of the transport sector. This should be analysed together with Article 5 of Regulation (EU) No 1071/2009 on conditions relating to the requirement of establishment.

Or. en

Justification

The Enforcement Directive in article 4 provides elements to be checked in order to determine

whether undertaking genuinely performs substantial activities other than purely internal management and/ or administrative activities. Analysis of these elements should take into account specific characteristics of the international transport sector.

Amendment 99

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a directive

Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) In order to ensure full compliance with social legislation and pending the establishment of the European Labour Authority, the competent control authorities should have access to and verify all data transmitted through the IMI and the GNSS portal.

Or. it

Amendment 100

Kosma Zlotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point -a (new)

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 1

Present Text

Amendment

Member States shall organise a system of appropriate and regular checks on correct and consistent implementation, as referred to in Article 1, both at the roadside and at premises of undertakings of all transport categories.

(-a) in paragraph 1, the first subparagraph is replaced by the following:

“Member States shall organise a system of appropriate and regular checks on correct and consistent implementation, as referred to in Article 1, both at the roadside and at premises of undertakings of all transport categories. Moreover, controls of compliance with provisions of directive 2002/15/EC should be limited to checks at premises of undertakings.”

Or. en

Amendment 101
Anthea McIntyre

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling *withing* the scope of Directive 2002/15/EC.;

Amendment

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling *within* the scope of Directive 2002/15/EC *which shall take place at the operators' premises*;

Or. en

Amendment 102

Krzysztof Hetman, Agnieszka Kozłowska-Rajewicz, Marek Plura, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling *withing* the scope of Directive 2002/15/EC.;

Amendment

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and *in case of checks at the premises* of mobile workers and drivers falling *within* the scope of Directive 2002/15/EC;

Or. en

Justification

There is no possibility to check the working time on the road.

Amendment 103
Danuta Jazłowiecka

Proposal for a directive
Article 1 – paragraph 1 – point 3 – point a
Directive 2006/22/EC
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling **withing** the scope of Directive 2002/15/EC.;

Amendment

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and **in case of checks at the premises** of mobile workers and drivers falling **withing** the scope of Directive 2002/15/EC;

Or. en

Justification

It is not possible to carry out effectively checks of working time on road. Therefore checks and controls of compliance with Directive 2002/15/EC should be carried out solely at the premises.

Amendment 104
Ádám Kósa, Csaba Sógor, Andor Deli

Proposal for a directive
Article 1 – paragraph 1 – point 3 – point a
Directive 2006/22/EC
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014

Amendment

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling, **where relevant and justified**, within the scope of Regulations (EC) No

and of mobile workers and drivers falling **withing** the scope of Directive 2002/15/EC.;

561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling **within** the scope of Directive 2002/15/EC;

Or. en

Amendment 105

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling **withing** the scope of Directive 2002/15/EC.;

Amendment

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles **of all transport categories** falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling **within** the scope of Directive 2002/15/EC;

Or. en

Amendment 106

Emilian Pavel, Claudia Țapardel

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b

Directive 2006/22/EC

Article 2 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU)165/2014 and Directive 2002/15/EC are checked.

Amendment

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU)165/2014 and Directive 2002/15/EC are checked; **following roadside checks and where the**

driver is not in capacity to submit one or more of the required documents, the drivers shall be released to continue their transport operation and the transport operator in the Member State of establishment is obliged to submit the required documents by the competent authorities within 14 working days after the request has been made.

Or. en

Amendment 107
Danuta Jazłowiecka

Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b
Directive 2006/22/EC
Article 2 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU)165/2014 and Directive 2002/15/EC are checked.

Amendment

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU)165/2014 and Directive 2002/15/EC are checked.
Member States shall focus especially on structurally and repeatedly non-compliant hauliers.

Or. en

Justification

Controls should be effective and targeted. However Members States keep the freedom to check all other transport operators.

Amendment 108
Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik

Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b

Directive 2006/22/EC
Article 2 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU) 165/2014 **and Directive 2002/15/EC** are checked.

Amendment

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006 **and** Regulation (EU) 165/2014 are checked.

Or. en

Amendment 109
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2006/22/EC
Article 6 – paragraph 1

Text proposed by the Commission

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 or Directive 2002/15/EC have been detected at the roadside.";

Amendment

1. Checks at premises **or on the company's legal representative in a given Member State** shall be planned in the light of past experience in relation to the various types of transport and undertakings, **and of any history of non-compliance**. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 or Directive 2002/15/EC have been detected at the roadside.";

Or. fr

Amendment 110
Krzysztof Hetman, Agnieszka Kozłowska-Rajewicz, Elżbieta Katarzyna Łukacijewska, Marek Plura

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2006/22/EC
Article 6 – paragraph 1

Text proposed by the Commission

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 **or Directive 2002/15/EC** have been detected at the roadside.;

Amendment

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. **Checks of conformity with Directive 2002/15/EC shall be done solely at premises.** They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 have been detected at the roadside.;

Or. en

Justification

There is no possibility to control the working time on the road, it is necessary to do it on the company's premises.

Amendment 111
Danuta Jazłowiecka

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2006/22/EC
Article 6 – paragraph 1

Text proposed by the Commission

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. **They** shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 **or Directive 2002/15/EC have been detected at the roadside.**;

Amendment

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. **Checks of conformity with Directive 2002/15/EC shall be done solely at the premises. They** shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014.

Or. en

Justification

It is not possible to carry out effectively checks of working time on the road. Therefore checks and controls of compliance with Directive 2002/15/EC should be carried solely at the premises.

Amendment 112

Emilian Pavel, Claudia Tapardel

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2006/22/EC

Article 6 – paragraph 1

Text proposed by the Commission

1. Checks at premises shall be planned in the light of past **experience** in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 or Directive 2002/15/EC have been detected at the roadside.;

Amendment

1. Checks at premises shall be planned in the light of past **experiences of non-compliance** in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 or Directive 2002/15/EC have been detected at the roadside.;

Or. en

Amendment 113

Ádám Kósa, Csaba Sógor, Andor Deli

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2006/22/EC

Article 6 – paragraph 1

Text proposed by the Commission

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 **or Directive 2002/15/EC** have been detected **at the roadside.**;

Amendment

1. Checks at premises shall be planned in the light of past **controversial** experience **of non-compliant practice** in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 have been detected;

Or. en

Amendment 114

Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulík

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2006/22/EC

Article 6 – paragraph 1

Text proposed by the Commission

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 **or Directive 2002/15/EC** have been detected at the roadside.;

Amendment

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 have been detected at the roadside.;

Or. en

Amendment 115

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point -a (new)

Directive 2006/22/EC

Article 8 – paragraph 1 – subparagraph 1

Present text

1. Information made available bilaterally under Article 17(3) of Regulation (EEC) No 3820/85 or Article 19(3) of Regulation (EEC) No 3821/85 shall be exchanged between the designated bodies notified to the Commission in accordance with Article 7(2):

Amendment

(-a) in the first subparagraph of paragraph 1, the introductory part is replaced by the following:

“1. Information made available bilaterally under Article 22(2) of **Regulation (EC) No 561/2006 or Article 40 of Regulation (EC) No 165/2014** shall be exchanged between the designated bodies notified to the Commission in accordance with Article 7:”

Or. en

Amendment 116

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2006/22/EC

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) upon *reasoned* request by a Member State in individual cases.

Amendment

(b) upon *specific* request by a Member State in individual cases.

Or. en

Amendment 117

Michaela Šojdrová

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A *shorter* time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A *different* time limit may be mutually agreed between the Member States *where this can be justified by particular circumstances of the specific case*. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Or. en

Justification

Where Member States agree on the complexity of the case, a prolongation of the delay should be possible.

Amendment 118

Danuta Jazłowiecka

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter *or longer* time limit may be mutually agreed between the Member States *if justified by the nature of the request*. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Or. en

Justification

In order to check a number of data such as e.g. compliance with working time rules a longer period might be justified. This should be agreed commonly by involved Member States.

Amendment 119

Krzysztof Hetman, Agnieszka Kozłowska-Rajewicz, Marek Plura, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A **shorter** time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A **different** time limit may be mutually agreed between the Member States **if justified by the nature of the request**. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Or. en

Justification

In order to check some information, e.g. the average working time in 4-month calculating period, a prolonged time limit might be necessary.

Amendment 120

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

Member **State** shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk

Amendment

Member **States** shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk

rating system, the requested information shall be *submitted within three working days*.

rating system, *Member States shall put in place procedures and systems to ensure that* the requested information shall be *accessible immediately*.

Or. fr

Amendment 121
Anthea McIntyre

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter *or longer* time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Or. en

Amendment 122
Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

Member State shall **submit** the information requested by other Member States pursuant to paragraph 1(b) of this Article within **25** working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment

Member State shall **provide** the information requested by other Member States pursuant to paragraph 1(b) of this Article within **five** working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Or. en

Amendment 123

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 2

Text proposed by the Commission

Where the requested Member State considers that the request is ***insufficiently reasoned***, it shall inform the requesting Member State accordingly within **10** working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.

Amendment

Where the requested Member State considers that the request is ***insufficient***, it shall inform the requesting Member State accordingly within **5** working days. The requesting Member State shall further substantiate the request ***and the Member States concerned shall discuss with each other with a view to finding a solution for any difficulty raised***. Where this is not possible, the request may be rejected by the ***requested*** Member State. ***In such a case, the requesting Member State may refer the complaint to the Commission, who may take necessary measures as appropriate.***

Amendment 124

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 2

Text proposed by the Commission

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within 10 working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.

Amendment

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within 10 working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the **requesting** Member State.

Or. fr

Justification

To clarify which Member State is referred to.

Amendment 125

Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 2

Text proposed by the Commission

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State **accordingly within 10 working days**. The requesting Member State shall further substantiate the request. Where this is not possible, the request may

Amendment

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform **without delay** the requesting Member State. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member

be rejected by the Member State.

State.

Or. en

Amendment 126

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 3

Text proposed by the Commission

Amendment

Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Member State in question shall inform the requesting Member State accordingly within 10 working days, giving reasons. The Member States concerned shall discuss with each other with a view to finding a solution for any difficulty raised.

deleted

Or. en

Amendment 127

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a

Directive 2006/22/EC

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall, by means of implementing acts, establish a common formula for calculating a risk rating of undertakings, which shall take into account the number, severity and frequency of occurrence of infringements as well as the

The Commission shall, by means of implementing acts, establish a common formula for calculating a risk rating of undertakings, which shall take into account the number, severity and frequency of occurrence of infringements as well as the

results of controls where no infringement has been detected *and whether a road transport undertaking has been using the smart tachograph, pursuant to Chapter II of Regulation (EU) No 165/2014, on all its vehicles*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

results of controls where no infringement has been detected. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

Or. en

Amendment 128 **Georgi Pirinski**

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a

Directive 2006/22/EC

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission shall, by means of implementing acts, establish a common formula for calculating a risk rating of undertakings, which shall take into account the number, severity and frequency of occurrence of infringements as well as the results of controls where no infringement has been detected and whether a road transport undertaking has been using the smart tachograph, pursuant to Chapter II of Regulation (EU) No 165/2014, on all its vehicles. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

Amendment

The Commission shall, by means of implementing acts, establish a common formula for calculating a risk rating of undertakings, which shall take into account the number, severity and frequency of occurrence of infringements as well as the results of controls where no infringement has been detected and whether a road transport undertaking has been using the smart tachograph, pursuant to Chapter II of Regulation (EU) No 165/2014, on all its vehicles *used in international transport operations*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

Or. en

Amendment 129

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point c
Directive 2006/22/EC
Article 9 – paragraph 4

Text proposed by the Commission

4. In order to facilitate targeted roadside checks, the data contained in the national risk rating system shall be accessible at the time of control to all *the* competent control authorities of *the* Member *State concerned*;

Amendment

4. In order to facilitate targeted roadside checks, the data contained in the national risk rating system shall be accessible at the time of control to all competent control authorities of Member *States*;

Or. en

Amendment 130
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point c
Directive 2006/22/EC
Article 9 – paragraph 5

Text proposed by the Commission

5. Member States shall make the information contained in the national risk rating system *available upon request or* directly accessible to all competent authorities of other Member States in accordance with the time limits set out in Article 8.;

Amendment

5. Member States shall make the information contained in the national risk rating system directly accessible to all competent authorities of other Member States in accordance with the time limits set out in Article 8.;

Or. fr

Amendment 131
Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point c
Directive 2006/22/EC
Article 9 – paragraph 5

Text proposed by the Commission

5. Member States shall make the information contained in the national risk rating system ***available upon request or*** directly accessible to all competent authorities of other Member States in accordance with the time limits set out in Article 8.;

Amendment

5. Member States shall make the information contained in the national risk rating system directly accessible to all competent authorities of other Member States in accordance with the time limits set out in Article 8;

Or. en

Amendment 132

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c a (new)

Directive 2006/22/EC

Article 9 – paragraph 5 a

Text proposed by the Commission

Amendment

(ca) the following paragraph is added:

5a. The smart tachograph, whose data will indicate the location of drivers over the span of a 56-day period shall be introduced on all vehicles engaged in international transport and cabotage by 2 January 2020.

Or. en

Amendment 133

Evelyn Regner, Ole Christensen, Siôn Simon, Claudiu Ciprian Tănăsescu, Guillaume Balas, Rory Palmer, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2006/22/EC

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission shall establish a common approach to recording and controlling periods of other work, as defined in point (e) of Article 4 of Regulation (EC) No 561/2006, and periods of at least one week during which a driver is away from the vehicle, by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2);* **deleted**

Or. en

Amendment 134

Anthea McIntyre

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

(a) *in Part A, the following point (6) is added:* **deleted**

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

Or. en

Amendment 135

Ádám Kósa, Csaba Sógor, Andor Deli

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

(a) in Part A, the following point (6) is deleted
added:

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

Or. en

Justification

In order to ensure a transparent, non-burdensome as well as a feasible system, the original COM proposal overcomplicates the checking mechanism of conditions of Directive 2002/15 at the roadside since one needs a longer period and not all documents can be always available at hand.

Amendment 136
Danuta Jazłowiecka

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

(a) in Part A, the following point (6) is deleted
added:

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

Or. en

Justification

It is not possible to carry out effectively checks of working time on the road. Therefore, checks and controls of compliance with Directive 2002/15/EC should be carried out solely at the premises.

Amendment 137
Krzysztof Hetman, Agnieszka Kozłowska-Rajewicz, Elżbieta Katarzyna Łukacijewska,
Marek Plura

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. *deleted*

Or. en

Justification

There is no possibility to check the working time on the road. The control at the company's premises is necessary.

Amendment 138
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point a a (new)
Directive 2006/22/EC
Annex I – part B – point 3 a (new)

Text proposed by the Commission

Amendment

(aa) in Part B, the following point is inserted:

“(3a) the driver’s regular weekly return to rest at home;”

Or. fr

Amendment 139
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 a (new)
Directive 2006/22/EC
Annex II – point 3 a (new)

Text proposed by the Commission

Amendment

(9a) in Annex II, the following point is inserted:

“(3a) equipment for checking the truck’s compliance with environmental, health, animal-welfare and safety rules applicable in the Member State.”

Or. fr

Amendment 140
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 b (new)
Directive 2006/22/EC
Annex II – point 3 b (new)

Text proposed by the Commission

Amendment

(9b) in Annex II, the following point is inserted:

“(3b) equipment for checking the payment by foreign hauliers of any per km compensation amounts applicable in the Member State.”

Or. fr

Amendment 141
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 c (new)
Directive 2006/22/EC
Annex III – point 4 a (new)

Text proposed by the Commission

Amendment

(9c) in Annex III, the following point is inserted:

“(4a) non-compliance with the stipulations on night work.”

Or. fr

Amendment 142
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 d (new)
Directive 2006/22/EC
Annex III – point 4 b (new)

Text proposed by the Commission

Amendment

(9d) in Annex III, the following point is inserted:

“(4b) breaches of the rules on the remuneration and posting of workers;”

Or. fr

Amendment 143
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 e (new)
Directive 2006/22/EC
Annex III – point 4 c (new)

Text proposed by the Commission

Amendment

(9e) in Annex III, the following point is inserted:

“(4c) non-compliance with the stipulations on the driver’s regular weekly return to rest at home.”

Or. fr

Amendment 144
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 f (new)
Directive 2006/22/EC
Annexe III – point 4 d (new)

Text proposed by the Commission

Amendment

(9f) *in Annex III, the following point is inserted:*

“(4d) the truck’s non-compliance with health, animal-welfare, environmental or safety rules applicable in the Member State.”

Or. fr

Amendment 145

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 1 – paragraph 1 – point 9 g (new)

Directive 2006/22/EC

Annex III – point 4 e (new)

Text proposed by the Commission

Amendment

(9g) *in Annex III, the following point is inserted:*

“(4e) non-payment by a foreign haulier of any per km compensation amounts applicable.”

Or. fr

Amendment 146

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 1 – paragraph 1 – point 9 h (new)

Directive 2006/22/EC

Annex III – point 4 f (new)

Text proposed by the Commission

Amendment

(9h) *in Annex III, the following point is inserted:*

“(4f) the practice of cabotage by a

foreign truck.”

Or. fr

Amendment 147
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 i (new)
Directive 2006/22/EC
Annex III – point 4 g (new)

Text proposed by the Commission

Amendment

(9i) in Annex III, the following point is inserted:

“(4g) The police authorities shall determine whether to immobilise a truck in the event of its non-compliance with health, animal-welfare, environmental or safety rules applicable in the Member State or of any other infringements under Annex III.”

Or. fr

Amendment 148
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 1 – paragraph 1 – point 9 j (new)
Directive 2006/22/EC
Annex III – point 4 h (new)

Text proposed by the Commission

Amendment

(9j) in Annex III, the following point is inserted:

“(4h) Regulation (EU) No 165/2014.”

Or. fr

Justification

The most recent tachograph regulation is Regulation No 165/2014.