



**2017/0121(COD)**

05.2.2018

# **AMENDMENTS**

## **149 - 367**

**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 149**  
**Karima Delli, Terry Reintke**

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

*Text proposed by the Commission*

1. *This Article establishes specific rules as regards certain aspects of Directive 96/71/EC relating to the posting of drivers in the road transport sector and of 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.*

*Amendment*

*deleted*

Or. en

**Amendment 150**  
**Michaela Šojdrová**

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

*Text proposed by the Commission*

1. This Article establishes specific rules as regards certain aspects of Directive 96/71/EC relating to the posting of drivers *in* the road transport sector and of 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.

*Amendment*

1. This Article establishes specific rules as regards certain aspects of Directive 96/71/EC relating to the posting of drivers *within cabotage operations of* the road transport sector and of 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. *Transit and international transport operations shall not be subject to posting workers rules.*

Or. en

### *Justification*

*The posting of workers framework should not apply to transit and international transport due to its highly mobile nature and disproportionate administrative burden which would be imposed on undertakings.*

#### **Amendment 151**

**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 2 – paragraph 1**

###### *Text proposed by the Commission*

1. This Article establishes specific rules as regards *certain aspects* of Directive 96/71/EC relating to the posting of drivers in the road transport sector and of 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.

###### *Amendment*

1. This Article establishes specific rules as regards *the enforcement* of Directive 96/71/EC relating to the posting of drivers in the road transport sector and of 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.

Or. en

#### **Amendment 152**

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

#### **Proposal for a directive**

##### **Article 2 – paragraph 1 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

***1a. Member States shall ensure that transporters use smart tachographs, in line with Article 8 of Regulation (EU) No 165/2014, in vehicles used for international transport or cabotage as defined by Regulations (EC) No 1072/2009 and (EC) No 1073/2009. These smart tachographs shall transmit all data in real time to the portal referred to in Regulation (EU) No 165/2014, which shall at all times be available for***

*consultation by the control authorities.*

Or. it

**Amendment 153**

**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 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. 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 the 2nd of January 2020, at the latest.***

Or. en

**Amendment 154**

**Danuta Jazłowiecka**

**Proposal for a directive**

**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. This Directive and Directive 96/71/EC do not apply to transit operations.***

Or. en

*Justification*

*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 155**  
**Emilian Pavel, Claudia Tapardel**

**Proposal for a directive**  
**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall not apply Directive 96/71/EC or Directive 2014/67/EU to transit transport operations.***

Or. en

**Amendment 156**  
**Krzysztof Hetman, Agnieszka Kozłowska-Rajewicz, Elżbieta Katarzyna Łukacijewska, Marek Plura**

**Proposal for a directive**  
**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Transit operations are fully exempted from the scope of Directive 96/71/EC and this Directive.***

Or. en

*Justification*

*Transit transport does not fulfil the conditions of posting. Moreover, there is no connection to countries, through which the driver does the transit. Those operations should be excluded from the scope of Posting of Workers Directive and the Directive establishing lex specialis.*

**Amendment 157**  
**Verónica Lope Fontagné**

**Proposal for a directive**  
**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a.** *Transit shall be excluded from the application of this Directive and Directive 96/71/EC.*

Or. es

**Amendment 158**

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

**Proposal for a directive**

**Article 2 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**1b.** *International transport operations as defined by regulations 1072/2009 and 1073/2009 are fully exempted from the scope of Directive 96/71/EC and this Directive.*

Or. en

*Justification*

*There is no direct competition between local operators when performing services in international transport. In addition, the posting of workers rules do not correspond to the specificity and high mobility of work in transport sector. Because of that, those operations should be excluded from the scope of Posting of Workers Directive and lex specialis rules.*

**Amendment 159**

**Danuta Jazłowiecka**

**Proposal for a directive**

**Article 2 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**1b.** *This Directive and Directive 96/71/EC do not apply to undertakings performing carriage operations as defined*

*by Regulation 1073/2009.*

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 they do not enter into competition with local operators as they are only at their disposal. Therefore the passenger transport should be excluded from the scope of this Directive.*

**Amendment 160**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Article 2 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. This Directive and Directive 96/71/EC do not apply to undertakings established in cross-border regions and performing international transport operations as defined by Regulation 1072/2009 in these cross-border 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.*

**Amendment 161**  
**Karima Delli, Terry Reintke**

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



*Text proposed by the Commission*

*Amendment*

**2. Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.** *deleted*

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

Or. en

*Justification*

*Exempting workers from the protection provided for by minimum wage rules is never acceptable. Minimum wage rules such as in Article 3 of the Posting Directive 96/71/EC aim at protecting workers. Exempting sectors means excluding workers from protection and income.*

## **Amendment 162**

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

### **Proposal for a directive**

#### **Article 2 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

**Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in** *deleted*

*Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.*

Or. it

#### **Amendment 163**

**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 2 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.*

*deleted*

Or. en

#### **Amendment 164**

**Ole Christensen**

#### **Proposal for a directive**

#### **Article 2 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall not apply points (b)

Member States shall not apply points (b)

and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where *the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.*

and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where these *are limited to operations that start from the Member State where the road transport operator is registered directly to another Member State followed by one unloading and/or one loading in that Member State within 48 hours and a straight return to the Member State where the road transport operator is registered, not including cabotage operations or any other type of operations in other Member States.*

Or. en

**Amendment 165**  
**Sofia Ribeiro**

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

*Text proposed by the Commission*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC *to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.*

*Amendment*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC *or Directive 2014/67/EU to international carriage and transit operations as defined by Regulations 1072/2009 and 1073/2009 .*

Or. pt

## Amendment 166

Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

### Proposal for a directive

#### Article 2 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

***Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.***

*Amendment*

***The provisions of Directive 96/71/EC and subsequently of the legal act amending this directive as well as the enforcement Directive 2017/67/EU shall apply to transport undertakings performing cabotage operations, as well as to the incoming or outgoing carriage of goods by roads as one leg of a combined transport journey, as laid down in Council Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States.***

***The provisions of those directives shall also apply to the international transport as long as the posting conditions specified in Article 1(3) of Directive 96/71/EC and in the legal act amending this directive are met.***

Or. en

## Amendment 167

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

### Proposal for a directive

#### Article 2 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

Member States shall ***not*** apply ***points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC*** to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage

*Amendment*

Member States shall apply Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage ***or cabotage*** operations as defined by

operations as defined by Regulations 1072/2009 and 1073/2009 **where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.**

Regulations 1072/2009 and 1073/2009.

Or. fr

#### *Justification*

*If a driver is loading or unloading in a Member State other than the one in which his/her work contract is established, he/she must be subject to rules on the posting of workers, which help to guarantee fair competition between companies from this Member State.*

### **Amendment 168** **Georges Bach**

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

##### *Text proposed by the Commission*

Member States shall **not** apply **points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC** to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 **where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.**

##### *Amendment*

Member States shall apply Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage **or cabotage** operations as defined by Regulations 1072/2009 and 1073/2009.

Or. fr

#### *Justification*

*If fair competition is to be guaranteed between companies carrying out international transport or cabotage operations in a Member State, drivers must be subject to rules on the posting of workers.*

**Amendment 169**  
**Claude Rolin**

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

*Text proposed by the Commission*

Member States shall **not** apply **points (b) and (c) of the first subparagraph of Article 3 (1) of** Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 **where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.**

*Amendment*

Member States shall apply Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage **or cabotage** operations as defined by Regulations 1072/2009 and 1073/2009.

Or. fr

**Amendment 170**  
**Robert Rochefort**

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

*Text proposed by the Commission*

Member States shall **not** apply **points (b) and (c) of the first subparagraph of Article 3 (1) of** Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 **where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.**

*Amendment*

Member States shall apply Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage **or cabotage** operations as defined by Regulations 1072/2009 and 1073/2009.

Or. fr

## Amendment 171

Ádám Kósa, Csaba Sógor, Andor Deli

### Proposal for a directive

#### Article 2 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

Member States shall not apply *points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.*

*Amendment*

Member States shall not apply *Directive 96/71/EC or Directive 2014/67/EU to transit and international transport operations as defined by Regulations 1072/2009 and 1073/2009.*

Or. en

## Amendment 172

Joachim Schuster

### Proposal for a directive

#### Article 2 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.*

*Amendment*

*For international transport operations, including related transit, terms and conditions as laid down in Article 3 (1) points (b) and (c) of Directive 96/71/EC of the Member State where the carriage is loaded shall apply for the entire time of the operation or until the return of the worker to the Member State where his habitual place of work is located.*

*In case of several loadings and/or part loadings in different Member States, the more favourable terms and conditions for the worker shall apply from the moment of picking up the load or part load.*

Or. en

### **Amendment 173**

**Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski**

#### **Proposal for a directive**

#### **Article 2 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Member States shall not apply *points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC* to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of *that* Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting *to* their territory to perform these operations is shorter than or equal to **3** days during a period of one calendar month.

*Amendment*

Member States shall not apply Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) [of directive **96/71/EC**], when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting *within* their territory to perform these operations is shorter than or equal to [**10**] *cumulative* days during a period of one calendar month. A [**7**] *day threshold should also apply to cabotage operations as defined by Regulations (EU) No 1072/2009 and (EU) No 1073/2009.*

Or. en

### **Amendment 174**

**Anthea McIntyre**

#### **Proposal for a directive**

#### **Article 2 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Member States shall not apply *points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to*

*Amendment*

Member States shall not apply Directive 96/71/EC *or* Directive **2014/67/EU** to international carriage operations as defined



*drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.*

by Regulations 1072/2009 where the period of posting to their territory to perform these operations is shorter than **7 consecutive working** days during a period of one calendar month *in the territory of the Member State of destination.*

Or. en

### **Amendment 175**

**Verónica Lope Fontagné**

#### **Proposal for a directive**

#### **Article 2 – paragraph 2 – subparagraph 1**

##### *Text proposed by the Commission*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 **and 1073/2009** where the period of posting to their territory to perform these operations is shorter than or equal to **3 days during a period of one calendar month.**

##### *Amendment*

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

Or. es

### **Amendment 176**

**Dominique Martin, Joëlle Mélin**

#### **Proposal for a directive**

#### **Article 2 – paragraph 2 – subparagraph 1**

##### *Text proposed by the Commission*

Member States shall not apply points (b)

##### *Amendment*

Member States shall not apply points (b)

and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to **3 days** during a period of one calendar month.

and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to **1 day** during a period of one calendar month.

Or. fr

**Amendment 177**  
**Michaela Šojdrová**

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

*Text proposed by the Commission*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period *of posting to* their territory to perform these operations is shorter than or equal to **3 days** during a period of one calendar month.

*Amendment*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the **total monthly working** period **spent on** their territory to perform these operations is shorter than or equal to **45 hours** during a period of one calendar month.

Or. en

*Justification*

*A threshold based on days can lead to even less than 6 hours being counted as one day (if the relevant work is performed in different days). An hour-based calculation would take into account situations of more frequent but shorter distance missions on the territory of Member States and would thus be fairer. The period cannot include rest periods, or else 45 hours could actually be less than three days (if the rest periods were spent on the territory of the host Member State).*

## Amendment 178

Emilian Pavel, Claudia Tapardel

### Proposal for a directive

#### Article 2 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

Member States shall not apply *points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC* to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to **3** days during a period of one calendar month.

*Amendment*

Member States shall not apply Directive 96/71/EC **or Directive 2014/67/EU** to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009, **with the exception of transit transport operations**, where the period of posting to their territory to perform these operations is shorter than or equal to **10** days during a period of one calendar month.

Or. en

## Amendment 179

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

### Proposal for a directive

#### Article 2 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing **international carriage** operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.

*Amendment*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing **cabotage** operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.

*Justification*

*In case of cabotage operations, where the foreign transport companies can be a competition to local companies, the application of posting of workers should be conditional to "adequate connection" to the receiving country.*

**Amendment 180**  
**Danuta Jazłowiecka**

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

*Text proposed by the Commission*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 *and 1073/2009* where the period of posting to their territory to perform these operations is shorter than or equal to **3** days during a period of one calendar month.

*Amendment*

Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 where the period of posting to their territory to perform these operations is shorter than or equal to **9** days during a period of one calendar month.

Or. en

*Justification*

*3 days suggested by the Commission do not define properly the sufficient link to the home Member State. Following the procedure proposed by the Commission would mean that 3 days account for 18 hours of work. What is more the lower the thresholds the more incentives to push drivers away towards bogus self-employment, as self-employed persons do not need to apply posting rules. Therefore a more reasonable time threshold was suggested.*

**Amendment 181**  
**Ádám Kósa, Csaba Sógor, Andor Deli**

**Proposal for a directive**  
**Article 2 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Directive 96/71/EC shall not apply to drivers engaged in road passenger transport activities, within the meaning of Regulation (EC) No 1071/2009.***

Or. en

**Amendment 182**

**Claude Rolin**

**Proposal for a directive**

**Article 2 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. fr

**Amendment 183**

**Robert Rochefort**

**Proposal for a directive**

**Article 2 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. fr

**Amendment 184**  
**Georges Bach**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

*Justification*

*To make it easier for companies to apply the rules and for the authorities to carry out the relevant checks, Directive 96/71/EC shall apply to international transport operations from day one.*

**Amendment 185**

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

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

*Justification*

*The minimum threshold of 3 days before posting rules can be applied is an additional complication for companies and for the supervisory authorities, and should therefore be deleted.*

**Amendment 186**

**Sofia Ribeiro**

**Proposal for a directive**

**Article 2 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

Or. pt

**Amendment 187**

**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 2 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 188**  
**Ádám Kósa, Csaba Sógor, Andor Deli**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*The proposed 3 days rule seems to be extremely challenging in terms of smooth and working internal market. Since the highly mobile workers indeed face an unlimited number of different situations and routes, a certain fixed days leads to discriminatory and locally driven protectionist approaches, which will evidently violate the Treaty.*

**Amendment 189**  
**Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin**

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

*Text proposed by the Commission*

*Amendment*

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

Or. it



**Amendment 190**  
**Emilian Pavel**

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

*Text proposed by the Commission*

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

*Amendment*

When the period of posting *in the case of international transport operations*, is longer than **10 days during a period of one calendar month**. Member States shall apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC for the entire period of posting to their territory during the period of one calendar month referred to in the first subparagraph.

Or. en

**Amendment 191**  
**Kosma Zlotowski, Czesław Hoc, Zdzisław Krasnodębski**

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

*Text proposed by the Commission*

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

*Amendment*

When the period of posting is longer than **[10] cumulative days concerning international transport and [7] cumulative days concerning cabotage**, Member States shall apply points (b) and (c) of the first subparagraph of Article 3 (1) for the **rest of the** period of posting **within** their territory during the period of one calendar month referred to in the first subparagraph.

Or. en

**Amendment 192**  
**Anthea McIntyre**

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

*Text proposed by the Commission*

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

*Amendment*

When the period of posting is longer than **7 consecutive working days in the territory of the Member State of destination**, Member States shall apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC for the entire period of posting to their territory during the period of one calendar month referred to in the first subparagraph.

Or. en

**Amendment 193**  
**Ole Christensen**

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

*Text proposed by the Commission*

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

*Amendment*

When ***international carriage operations are performed between Member States other than the Member State where the road transport operator is registered***, Member States shall apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC for the entire period of posting to their territory.

Or. en

**Amendment 194**  
**Michaela Šojdrová**

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

*Text proposed by the Commission*

When the period of posting is longer than **3**

*Amendment*

When the ***total monthly working*** period of

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

posting is longer than **45 hours**, Member States shall apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC for the entire period of posting to their territory during the period of one calendar month referred to in the first subparagraph.

Or. en

#### *Justification*

*A threshold based on days can lead to even less than 6 hours being counted as one day (if the relevant work is performed in different days). An hour-based calculation would take into account situations of more frequent but shorter distance missions on the territory of Member States and would thus be fairer. The period cannot include rest periods, or else 45 hours could actually be less than three days (if the rest periods were spent on the territory of the host Member State).*

#### **Amendment 195** **Joachim Schuster**

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

##### *Text proposed by the Commission*

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

##### *Amendment*

When *transit or international transport operations are combined with cabotage operations within one Member State*, points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC *shall apply* for the entire period of posting.

Or. en

#### **Amendment 196** **Verónica Lope Fontagné**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. es

**Amendment 197**

**Dominique Martin, Joëlle Mélin**

**Proposal for a directive**

**Article 2 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 198**

**Emilian Pavel**

**Proposal for a directive**

**Article 2 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall not apply point (b) or (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing***

*cabotage operations, as defined by Regulations (EC) No 1072/2009 and No 1073/2009, where the period of posting to their territory to perform these operations is shorter than or equal to 7 days during a period of one calendar month.*

Or. en

## **Amendment 199**

**Birgit Sippel**

### **Proposal for a directive**

**Article 2 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall apply Directives 96/71/EC and 2014/67/EU for the entire period of posting to their territory to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a), (b) and (c) when performing road haulage legs of combined transport as referred to in Article 4 of Directive 92/106/EEC.*

Or. en

## **Amendment 200**

**Ádám Kósa, Csaba Sógor, Andor Deli**

### **Proposal for a directive**

**Article 2 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*By derogation from Article 1 of Directive 96/71/EC [as amended by COD 2016/0070], transport operations falling under the scope of this directive cannot be subject to rules on long-term posting.*

Or. en

**Amendment 201**  
**Mara Bizzotto**

**Proposal for a directive**  
**Article 2 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***No exception shall be made for cabotage operations, to which the provisions of Directives 96/71/EC and 2014/67/EU shall apply in full;***

Or. it

**Amendment 202**  
**Emilian Pavel**

**Proposal for a directive**  
**Article 2 – paragraph 2 – subparagraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***When the period of posting in the case of cabotage operations, is longer than 6 days during a period of one calendar month, Member States shall apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC for the entire period of posting to their territory during the period of one calendar month referred to in the first subparagraph.***

Or. en

**Amendment 203**  
**Birgit Sippel**

**Proposal for a directive**  
**Article 2 – paragraph 2 – subparagraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall apply Directives 96/71/EC and 2014/67/EU for the entire period of posting to their territory to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a), (b) and (c) when performing transit.***

Or. en

**Amendment 204**

**Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik**

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall not apply Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) [of directive 96/71/EC], when performing international carriage operations as defined by Regulations (EU) No 1072/2009 and (EU) No 1073/2009 in transit through the Union and shall not apply to drivers performing carriage by road with usage of vehicles indicated in Articles 3 and 13(1) of Regulation 561/2006 provided that Member State in question has granted such exemptions.***

Or. en

**Amendment 205**

**Ádám Kósa, Csaba Sógor, Andor Deli**

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *By derogation from Article (...) \* of the legislative act amending Directive 96/71/EC, transport operations failing under the scope of this Directive should be excluded from the non-universally applicable collective agreements.*

Or. en

**Amendment 206**

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

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Member States shall not apply the provisions of Directive 96/71/EC or Directive 2014/67/EU to transit times less than or equal to two consecutive days within the same Member State.*

Or. it

**Amendment 207**

**Sofia Ribeiro**

**Proposal for a directive**

**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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

**(b)** *a daily working period of six hours*



*or more spent in the territory of a host Member State shall be considered as a full day;*

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

Or. pt

#### **Amendment 208**

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

#### **Proposal for a directive Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

Or. fr

#### *Justification*

*The minimum threshold of 3 days before posting rules can be applied is an additional complication for companies and for the supervisory authorities, and should therefore be taken out.*

**Amendment 209**  
**Claude Rolin**

**Proposal for a directive**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

Or. fr

**Amendment 210**  
**Robert Rochefort**

**Proposal for a directive**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

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

day;

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

Or. fr

## **Amendment 211**

**Georges Bach**

### **Proposal for a directive**

#### **Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

Or. fr

#### *Justification*

*To make it easier for companies to apply the rules and for the authorities to carry out the relevant checks, Directive 96/71/EC shall apply to international transport operations from day one.*

## **Amendment 212**

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

**Proposal for a directive**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

- 3. For the purposes of the calculation of the periods of posting referred to in paragraph 2:** *deleted*
- a) a daily working period shorter than six hours spent in the territory of a host Member State shall be considered as half a day;**
- b) a daily working period of six hours or more spent in the territory of a host Member State shall be considered as a full day;**
- c) breaks and rest periods as well as periods of availability spent in the territory of a host Member State shall be considered as working period.**

Or. it

**Amendment 213**  
**Ádám Kósa, Csaba Sógor, Andor Deli**

**Proposal for a directive**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

- 3. For the purposes of the calculation of the periods of posting referred to in paragraph 2:** *deleted*
- (a) a daily working period shorter than six hours spent in the territory of a host Member State shall be considered as half a day;**
- (b) a daily working period of six hours or more spent in the territory of a host Member State shall be considered as a full day;**
- (c) breaks and rest periods as well as periods of availability spent in the**

*territory of a host Member State shall be considered as working period.*

Or. en

**Amendment 214**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

Or. en

**Amendment 215**  
**Emilian Pavel, Claudia Tapardel**

**Proposal for a directive**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

*(a) a daily working period shorter*

*than six hours spent in the territory of a host Member State shall be considered as half a day;*

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

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

Or. en

#### **Amendment 216**

**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 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

Or. en

#### **Amendment 217**

**Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik**

**Proposal for a directive**  
**Article 2 – paragraph 3 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

3. For the purposes of the calculation of the periods of posting referred to in paragraph 2, ***a day may not be less than at least 24 hours respectively spent in the territory of the host Member State. The weekly rest periods shall be excluded from the calculation of the periods of posting.***

Or. en

**Amendment 218**

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

**Proposal for a directive**  
**Article 2 – paragraph 3 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

3. For the purposes of the calculation of the periods of posting referred to in paragraph 2, ***a day may not be less than 24 hours respectively spent in the territory of the host Member State. The weekly rest periods shall be excluded from the calculation of the periods of posting. :***

Or. en

**Amendment 219**

**Michaela Šojdrová**

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

*Text proposed by the Commission*

***(a) a daily working period shorter than six hours spent in the territory of a***

*Amendment*

***deleted***

*host Member State shall be considered as half a day;*

Or. en

*Justification*

*If the threshold is calculated in hours, this step of calculation becomes unnecessary.*

**Amendment 220**

**Karima Delli, Terry Reintke**

**Proposal for a directive**

**Article 2 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 221**

**Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulík**

**Proposal for a directive**

**Article 2 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 222**

**Verónica Lope Fontagné**



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

*Text proposed by the Commission*

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

*Amendment*

a) a daily working period shorter than ***the maximum daily driving time established in Directive 2006/22/EC*** spent in the territory of a host Member State shall be considered as half a day;

Or. es

**Amendment 223**  
**Danuta Jazłowiecka**

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

*Text proposed by the Commission*

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

*Amendment*

(a) a daily working period shorter than **12** hours spent in the territory of a host Member State shall be considered as half a day;

Or. en

*Justification*

*12 hours constitute half a day, therefore this is being suggested instead of 6 hours. Following the procedure put by the Commission it would mean that 3 days account for 18 hours of work. This does not define well the sufficient link with the host Member State.*

**Amendment 224**  
**Anthea McIntyre**

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

*Text proposed by the Commission*

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

*Amendment*

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

day;

day;

Or. en

**Amendment 225**

**Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik**

**Proposal for a directive**

**Article 2 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 226**

**Karima Delli, Terry Reintke**

**Proposal for a directive**

**Article 2 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 227**

**Michaela Šojdrová**

**Proposal for a directive**

**Article 2 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) a daily working period of six hours** **deleted**

*or more spent in the territory of a host Member State shall be considered as a full day;*

Or. en

*Justification*

*If the threshold is calculated in hours, this step of calculation becomes unnecessary.*

**Amendment 228**

**Verónica Lope Fontagné**

**Proposal for a directive**

**Article 2 – paragraph 3 – point b**

*Text proposed by the Commission*

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

*Amendment*

b) a daily working period of *the maximum daily driving time established in Directive 2006/22/EC* or more spent in the territory of a host Member State shall be considered as a full day;

Or. es

**Amendment 229**

**Danuta Jazłowiecka**

**Proposal for a directive**

**Article 2 – paragraph 3 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*12 hours constitute half a day, therefore this is being suggested instead of 6 hours. Following the procedure put forward by the Commission would mean that 3 days account for 18 hours of work. This does not define well the sufficient link with the host Member State.*

**Amendment 230**

**Anthea McIntyre**

**Proposal for a directive**

**Article 2 – paragraph 3 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 231**

**Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodebski, Richard Sulík**

**Proposal for a directive**

**Article 2 – paragraph 3 – point c**

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. en

**Amendment 232**

**Anthea McIntyre**

**Proposal for a directive**

**Article 2 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

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

(c) breaks spent in the territory of a host Member State shall be considered as working period.

Or. en

**Amendment 233**  
**Danuta Jazłowiecka**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Rest periods account for a considerable amount of time being spend at the territory of the host Member State and in addition they do not constitute working time therefore they should be excluded from calculation.*

**Amendment 234**  
**Verónica Lope Fontagné**

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

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 235**  
**Michaela Šojdrová**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*The period cannot include rest periods, because in such a case 45 hours could actually be less than three days (provided that the rest periods were spent on the territory of the host Member State).*

**Amendment 236**  
**Michaela Šojdrová**

**Proposal for a directive**  
**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. In order to facilitate the calculation of remuneration for the purposes of this Article, the Commission shall introduce a digital tool. The tool shall include specific remuneration requirements within each Member State and any other specific data necessary for performing the calculations. Such data shall be predefined in the tool based on a regular notification obligation of Member States to the Commission. The tool shall be available for all undertakings free of charge.***

*Justification*

*Undertakings (especially SMEs) lack both resources and personnel to inquire about specific requirements applicable to different territories. Member States should bear at least part of the administrative burden by notifying relevant national requirements to the Commission. Undertakings would enter personalized data into the digital tool (such as working time spent on the territory), which would facilitate administration and reduce costs.*

**Amendment 237**

**Emilian Pavel, Claudia Tapardel**

**Proposal for a directive**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The period of posting referred to in paragraph 2 shall be calculated by cumulating the periods recorded by the tachographs, spent by the driver in a host Member State per calendar month, excluding weekly rest periods.**

Or. en

**Amendment 238**

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

**Proposal for a directive**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Member States shall apply the provisions of Directive 96/71/EC and Directive 2014/67/EU to international transport and cabotage operations as defined by Regulations (EC) No 1072/2009 and (EC) No 1073/2009.**

Or. it

**Amendment 239**  
**Danuta Jazlowiecka**

**Proposal for a directive**  
**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. All transport operations falling under the scope of this Directive are excluded from rules on long-term posting as referred in Article 1 of the legislative act amending Directive 96/71/EC.**

Or. en

*Justification*

*Directive 96/71/EC is currently under revision. The correct article number should be inserted after the revision is being adopted by co-legislators. Transport operations should be excluded from rules on long-term posting as there is no continuity of service. In addition, due to their highly mobile nature, applying these rules would lead to situations where various labour laws will have to be applied to a single worker simultaneously. This would affect employees badly.*

**Amendment 240**  
**Krzysztof Hetman, Agnieszka Kozłowska-Rajewicz, Elżbieta Katarzyna Łukacijewska, Marek Plura**

**Proposal for a directive**  
**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Cabotage operations falling under the scope of this Directive are excluded from rules on long-term posting referred in Article 1 of the legislative act amending Directive 96/71/EC.**

Or. en

*Justification*

*The use of the rules of long-term posting would lead to legal chaos. As a consequence, the drivers could be covered by different laws concerning time. Moreover, there is a threat to continuity of social security coverage.*



**Amendment 241**

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

**Proposal for a directive**

**Article 2 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. Cabotage operations falling under the scope of this Directive shall be excluded from rules on collective agreements which are not universally applicable as defined in Article [...] of Directive 96/71/EC.***

Or. en

*Justification*

*The intention is to refer to Directive 96/71/EC as amended by COD(2016/0070). Because of highly mobile character, the use of collective agreements at local and regional level would be a huge burden for companies performing international transport. The reference is to amendment 33 of the report adopted by the Committee of Employment and Social Affairs on 16 October 2017.*

**Amendment 242**

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

**Proposal for a directive**

**Article 2 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. For the purposes of Article 3(1), first subparagraph, points (b) and (c) of Directive 96/71/EC, 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 shall apply.***

Or. it

**Amendment 243**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Article 2 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. All transport operations falling under scope of this Directive shall be excluded from rules on collective agreements which are not universally applicable as defined in Article [...] of Directive 96/71/EC.**

Or. en

*Justification*

*The intention is to refer to Directive 96/71/EC as amended by COD(2016/0070). This specific requirement is part of EMPL report, amendment 33 (Article 3 paragraph 8 a new). Due to highly mobile nature it is impossible for transport operators to apply all local and regional collective agreements. This will affect SMEs particularly badly without real added value for drivers.*

**Amendment 244**  
**Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik**

**Proposal for a directive**  
**Article 2 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

**Amendment 245**  
**Karima Delli, Terry Reintke**

**Proposal for a directive**  
**Article 2 – paragraph 4 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

4. ***Member States shall take appropriate measures in the event of an infringement of this Directive. They shall, in particular, ensure that adequate procedures are available to workers and their representatives for the enforcement of obligations under this Directive. For those purposes Member States may in particular*** impose the following measures:

Or. en

*Justification*

*The COM reintroduces draft wording of proposal (2012/0061/COD Posting Enforcement) that the co-legislatures have deemed unfit for enforcement purposes. The aim of this proposal is to align the control measures with Directive 2014/67/EC to ensure that Member States can effectively enforce control and sanction measures.*

**Amendment 246**

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

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

4. ***For the purpose of transport operations covered by this Directive, Article 9 paragraph 1 and 2 of the Enforcement Directive 2014/67/EU is replaced by the following:*** Member States may only impose the following administrative requirements and control measures:

Or. en

**Amendment 247**

**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

4. *In order to guarantee an effective implementation and control of this Directive, Directive 96/71/EC and of Directive 2014/67/EU* Member States may *in particular* impose the following administrative requirements and control measures:

Or. en

**Amendment 248**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Article 2 – paragraph 4 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

4. *By way of derogation from Article 9 paragraph 1 and 2 of the Enforcement Directive 2014/67/EU* Member States may only impose the following administrative requirements and control measures:

Or. en

*Justification*

*In order to provide legal clarity the Member States should be allowed only to use control instruments as specified by this Directive. Therefore Article 9 paragraph 1 and 2 of Directive 2014/67/EU should be replaced by sector-specific requirements.*

**Amendment 249**  
**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 2 – paragraph 4 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

4. Member States may **in particular** impose the following administrative requirements and control measures:

Or. en

**Amendment 250**

**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, João Pimenta Lopes**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

4. Member States may **at least** impose the following administrative requirements and control measures:

Or. en

*Justification*

*Deletion of "only" in the EC proposal, as the Lex specialis cannot impose a closed list of fields to the Member States. Member States can ask for more information in the posting declaration.*

**Amendment 251**

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

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

4. Member States **shall** impose the following administrative requirements and control measures:

Or. it

## Amendment 252

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

### Proposal for a directive

#### Article 2 – paragraph 4 – point a

*Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, in an official language of the **host Member State or in English**, containing only the following information:

*Amendment*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration **and any updates thereto** to the national competent authorities at the latest at the commencement of the posting. **The road transport operator shall be required to send and/or update that declaration** in electronic form **via the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012**, in an official language of the **European Union**, containing only the following information:

Or. it

## Amendment 253

Joachim Schuster

### Proposal for a directive

#### Article 2 – paragraph 4 – point a

*Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities **at the latest at** the commencement of the posting, in electronic form, in an official language of the host Member State or in English, containing **only** the following information:

*Amendment*

(a) **For each posted driver and each posting**, an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities **prior to** the commencement of the posting, in **a standardised** electronic form **developed and made available by the Commission, at the latest two years after the publication of the Directive**, in an official language of the host Member State or in English, containing **at least** the following information:

Or. en

## Amendment 254

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 2 – paragraph 4 – point a

*Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities ***at the latest at*** the commencement of the posting, in electronic form, in an official language of the host Member State or in English, containing ***only*** the following information:

*Amendment*

(a) ***For each posted driver and each posting,*** an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities ***prior to*** the commencement of the posting, in ***a standardised*** electronic form ***developed and made available by the Commission, at the latest two years after the publication of the Directive,*** in an official language of the host Member State or in English, containing ***at least*** the following information:

Or. en

## Amendment 255

Ádám Kósa, Csaba Sógor, Andor Deli

### Proposal for a directive

#### Article 2 – paragraph 4 – point a

*Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a ***posting*** declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, ***in an official language*** of the ***host Member State or in English,*** containing only the following information:

*Amendment*

(a) an obligation for the road transport operator established in another Member State to send a declaration ***to the Internal Market Information System (IMI) or to submit*** to the national competent authorities at the latest at the commencement of the posting, in ***standardized,*** electronic form ***developed and made available by the Commission, in any of the official languages*** of the ***Union,*** containing only the following information:

**Amendment 256**

**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, ***in an official language of the host Member State or in English***, containing ***only*** the following information:

*Amendment*

(a) ***for each posted driver and each posting***, an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in ***a standardized*** electronic form ***developed and made available by the Commission in all official languages of the Union***, containing ***at least*** the following information:

**Amendment 257**

**Karima Delli, Terry Reintke**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, in an official language of the host Member State or in English, containing ***only the following*** information:

*Amendment*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, in an official language of the host Member State or in English, containing ***all the relevant information necessary in order to allow factual controls at the workplace, including:***



**Amendment 258**  
**Dominique Martin, Joëlle Mélin**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, ***in an official language of the host Member State or in English***, containing only the following information:

*Amendment*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form. ***This formality shall be carried out using a standard document provided by the Commission in all the official EU languages***, containing only the following information:

Or. fr

**Amendment 259**  
**Krzysztof Hetman, Agnieszka Kozłowska-Rajewicz, Elżbieta Katarzyna Łukacijewska, Marek Plura**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a ***posting*** declaration to the national competent authorities at the latest at the commencement of the posting, ***in electronic form, in an official language of the host Member State or in English***, containing only the following information:

*Amendment*

(a) an obligation for the road transport operator established in another Member State to send a ***standardized, electronic, simple*** declaration to the national competent authorities at the latest at the commencement of the posting, containing only the following information:

Or. en

*Justification*

*Due to standardised forms there will be no need for translation. Declarations should be sent*

*electronically.*

#### **Amendment 260**

**Emilian Pavel, Claudia Tapardel**

#### **Proposal for a directive**

#### **Article 2 – paragraph 4 – point a**

##### *Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, in an official language of the host Member State or in English, containing only the following information:

##### *Amendment*

(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in *a standardised* electronic form, in an official language of the host Member State or in English, containing only the following information:

Or. en

#### **Amendment 261**

**Danuta Jazłowiecka**

#### **Proposal for a directive**

#### **Article 2 – paragraph 4 – point a**

##### *Text proposed by the Commission*

(a) an obligation for the road transport operator established in another Member State to send *a posting* declaration to the national competent authorities at the latest at the commencement of the posting, *in electronic form, in an official language of the host Member State or in English,* containing only the following information:

##### *Amendment*

(a) an obligation for the road transport operator established in another Member State to send *via a dedicated public interface of the IMI system a standardized, electronic simple* declaration to the national competent authorities at the latest at the commencement of the posting containing only the following information:

Or. en

##### *Justification*

*In order to facilitate the submission of declaration there is a need for an electronic system.*

*This system could be easily built on the existing IMI system and further developed by the Commission. The Commission should also develop a standardised form, there will be no need for translation.*

**Amendment 262**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a – point i**

*Text proposed by the Commission*

(i) the identity of the road transport operator;

*Amendment*

(i) the identity of the road transport operator (*in the case of a subsidiary, also the address of the headquarters*);

Or. en

*Justification*

*This will help to identify possible letter-box companies.*

**Amendment 263**  
**Dominique Martin, Joëlle Mélin**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a – point i a (new)**

*Text proposed by the Commission*

*Amendment*

*ia) the contact details of a legal representative of the establishment in the host Member State;*

Or. fr

**Amendment 264**  
**Dominique Martin, Joëlle Mélin**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a – point i b (new)**

*Text proposed by the Commission*

*Amendment*

***ib) For small and medium enterprises and for companies without a legal representative, the host Member State shall provide a public or private single point of contact, for which the relevant documents shall be available electronically in the official languages of the European Union. The SME or company without legal representative must submit the documents required by European transport law to the host Member State via this point of contact.***

Or. fr

**Amendment 265**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

(iii) *the anticipated number and the identities of posted drivers;*

(iii) ***information about the posted drivers including at least the following: the identity, the country of residence, the country where the employment contract is based, the country of payment of social contributions and the social security number;***

Or. en

**Amendment 266**  
**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 2 – paragraph 4 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

(iii) *the anticipated number and the identities of* posted drivers;

(iii) *information about the* posted drivers *including at least the following: the identify, the country of residence, the country where the employment contract is based, the country of payment of social contributions and the social security number;*

Or. en

#### **Amendment 267**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

(iii) the anticipated number and the identities of posted drivers;

(iii) the anticipated number and the identities of posted drivers *and the documents proving that they are employed by the road transport operator;*

Or. it

#### **Amendment 268**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point iii a (new)**

*Text proposed by the Commission*

*Amendment*

(*iiia*) *information regarding driving licences held by posted workers;*

Or. it

#### **Amendment 269**

**Michaela Šojdrová**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point iv**

*Text proposed by the Commission*

(iv) the anticipated duration, envisaged beginning and end date of the posting;

*Amendment*

(iv) the anticipated duration, envisaged beginning and end date of the posting ***without prejudice to possible prolongation where required by unforeseeable circumstances;***

Or. en

*Justification*

*Drivers may encounter unpredictable obstacles (technical problems, road blocks, etc.). Therefore, the final duration of posting may differ. This amendment will ensure that undertakings will not be penalized in the event that the notified time of posting will have expired at the time of a check.*

**Amendment 270**

**Dominique Martin, Joëlle Mélin**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point iv**

*Text proposed by the Commission*

iv) the anticipated duration, envisaged beginning and end date of the posting;

*Amendment*

iv) the anticipated duration, envisaged beginning and end date of the posting ***for each country crossed;***

Or. fr

**Amendment 271**

**Danuta Jazłowiecka**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point iv**

*Text proposed by the Commission*

(iv) the anticipated duration, envisaged

*Amendment*

(iv) the anticipated duration, envisaged beginning and end date of the posting ***per***

beginning and end date of the posting; **worker**;

Or. en

*Justification*

*The company might have several workers. The rights resulted from the Posting of Workers Directive are allocated per worker.*

**Amendment 272**

**Ádám Kósa, Csaba Sógor, Andor Deli**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point iv**

*Text proposed by the Commission*

*Amendment*

(iv) **the anticipated duration**, envisaged beginning and end date of the posting;

(iv) envisaged beginning and end date of the posting;

Or. en

*Justification*

*It is necessary to realise that these highly mobile workers provide such services which are extremely flexible, see cabotage for example.*

**Amendment 273**

**Anthea McIntyre**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point iv**

*Text proposed by the Commission*

*Amendment*

(iv) the anticipated **duration, envisaged** beginning and end date of the posting;

(iv) the anticipated beginning and end date of the posting;

Or. en

**Amendment 274**

**Krzysztof Hetman, Elżbieta Katarzyna Łukacijewska, Marek Plura**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a – point vi**

*Text proposed by the Commission*

*Amendment*

(vi) *the type of transport services, that is to say carriage of goods, carriage of passengers, international carriage, cabotage operation;* *deleted*

Or. en

**Amendment 275**  
**Dominique Martin, Joëlle Mélin**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a – point vi**

*Text proposed by the Commission*

*Amendment*

vi) the type of transport services, that is to say carriage of goods, carriage of passengers, *international carriage, cabotage operation;*

vi) the type of transport services, that is to say carriage of goods *or* carriage of passengers;

Or. fr

**Amendment 276**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a – point vi**

*Text proposed by the Commission*

*Amendment*

(vi) the type of transport services, *that is to say carriage of goods, carriage of passengers, international carriage, cabotage operation;*

(vi) the type of transport services *per worker:* international carriage, cabotage operation;

Or. en



**Amendment 277**

**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, João Pimenta Lopes, Merja Kyllönen**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point vi a (new)**

*Text proposed by the Commission*

*Amendment*

*(via) Information about the posted drivers would be at least the following: the identity, the country of residence, the country where the employment contract is based, the country of payment of social contributions and the social security number;*

Or. en

**Amendment 278**

**Dominique Martin**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point vi a (new)**

*Text proposed by the Commission*

*Amendment*

*via) the laws applicable to each day of driving: international transport (< 6 hours of transit time in the country), posted international transport (> 6 hours of transit time in the country), or (posted) cabotage;*

Or. fr

**Amendment 279**

**Danuta Jazłowiecka**

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point vi a (new)**

*Text proposed by the Commission*

*Amendment*

*(via) the law applicable to the*

*employment contract.*

Or. en

*Justification*

*This might help identifying cases of letter-box companies or non- genuine posting.*

**Amendment 280**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – point vi a (new)**

*Text proposed by the Commission*

*Amendment*

*(via) the identity and address of the consignee;*

Or. it

**Amendment 281**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point a – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*For the purposes of this point, the road transport operator may provide a simple declaration covering a period of a maximum of six months. The information referred to in points from (ii) to (vi) shall be updated electronically by the road transport operator in line with current factual situation.*

Or. en

**Amendment 282**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point a – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*For the purpose of this point, the road transport operator may provide a declaration covering a period of a maximum of six months. The information referred to in points (ii) to (vii) shall be updated electronically by the road transport operator in line with the current factual situation.*

*The public interface of the IMI system dedicated to transport operators contains country specific information with concrete rates of pay (remuneration) and employment conditions applicable to drivers in all Member States as well as links to all single official national websites established by Article 5 of Directive 2014/67/EU.*

Or. en

*Justification*

*It is important to give a possibility for smooth and quick updates of the declaration. It is important to provide transport operators with clear and transparent information on applicable rates of pay (in future remuneration) and other employment conditions applicable to drivers. This is important, especially taking into account the fact that not all single official national websites function properly.*

**Amendment 283**  
**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, Merja Kyllönen**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point b**

*Text proposed by the Commission*

*Amendment*

(b) an obligation for the driver *to keep*

(b) an obligation for the *road transport*

*and make available, where requested at the roadside control, in paper or electronic form, a copy of the posting declaration and evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.*

*operator to provide the posted driver with the following documents for the purpose of roadside control:*

*(i) a copy of the posting declaration in paper or electronic form;*

*(ii) the evidence of the transport operation taking place in the host Member State as referred in the legal act amending Regulation (EC) No 1072/2009 of the European Parliament and of the Council;*

*(iii) the electronic consignment note (e-CMR)*

*(iv) a copy of the employment contract translated into one of the official languages of the host Member State, or into another language accepted by the host Member State;*

*(v) a copy of the payslips for the last two months, in paper or electronic form;*

Or. en

#### **Amendment 284**

**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 2 – paragraph 4 – point b**

*Text proposed by the Commission*

*(b) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the posting declaration and evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence*

*Amendment*

*(b) an obligation for the road transport operator to provide the driver with the following documents for the purpose of road side checks:*

*referred to in Article 8 of Regulation (EC)  
No 1072/2009 of the European  
Parliament and of the Council.*

Or. en

**Amendment 285**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) an obligation for the *driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the posting declaration and evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.*

*Amendment*

(b) an obligation for the *road transport operator to provide the driver with the following documents for the purpose of road side checks:*

Or. en

**Amendment 286**  
**Anthea McIntyre**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) an obligation for the *driver* to keep and make available, *where requested at the roadside control*, in paper or electronic form, a copy of the *posting* declaration and evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the

*Amendment*

(b) an obligation for the *operator* to keep and make available *within 14 days of receiving a request*, in paper or electronic form, a copy of the *simple* declaration *as submitted* and evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009

European Parliament and of the Council.

of the European Parliament and of the Council.

Or. en

**Amendment 287**

**Danuta Jazłowiecka**

**Proposal for a directive**

**Article 2 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the *posting* declaration and evidence of transport operation taking place in the host Member State, *such as* an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

*Amendment*

(b) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the *simple* declaration and evidence of transport operation taking place in the host Member State: an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

Or. en

*Justification*

*Wording should be aligned with Directive 2014/67/EU therefore posting declaration was replaced by "simple declaration".*

**Amendment 288**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of *the posting* declaration and

*Amendment*

(b) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of *a simple* declaration and

evidence of transport operation taking place in the host Member State, *such as* an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

evidence of transport operation taking place in the host Member State: an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

Or. en

#### **Amendment 289**

**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 2 – paragraph 4 – point b – point i (new)**

*Text proposed by the Commission*

*Amendment*

*i) a copy of the posting declaration in paper or electronic form;*

Or. en

#### **Amendment 290**

**Joachim Schuster**

#### **Proposal for a directive**

**Article 2 – paragraph 4 – point b – point i (new)**

*Text proposed by the Commission*

*Amendment*

*i) a copy of the posting declaration in paper or electronic form;*

Or. en

#### **Amendment 291**

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

#### **Proposal for a directive**

**Article 2 – paragraph 4 – point b – point ii (new)**

*Text proposed by the Commission*

*Amendment*

**ii) evidence of the transport operation taking place in the host Member State as referred in the legal act amending Regulation (EC) No 1072/2009 of the European Parliament and the Council;**

Or. en

**Amendment 292**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point b – point ii (new)**

*Text proposed by the Commission*

*Amendment*

**ii) evidence of the transport operation taking place in the host Member State as referred in the legal act amending Regulation (EC) No 1072/2009 of the European Parliament and the Council;**

Or. en

**Amendment 293**  
**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 2 – paragraph 4 – point b – point iii (new)**

*Text proposed by the Commission*

*Amendment*

**iii) the electronic CMR;**

Or. en

**Amendment 294**  
**Joachim Schuster**



**Proposal for a directive**  
**Article 2 – paragraph 4 – point b – point iii (new)**

*Text proposed by the Commission*

*Amendment*

**iii) *the electronic CMR;***

Or. en

**Amendment 295**

**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 2 – paragraph 4 – point b – point iv (new)**

*Text proposed by the Commission*

*Amendment*

**iv) *a copy of the employment contract in (one of) the official languages of the host Member State, or in English;***

Or. en

**Amendment 296**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point b – point iv (new)**

*Text proposed by the Commission*

*Amendment*

**iv) *a copy of the employment contract in (one of) the official languages of the host Member State, or in English;***

Or. en

**Amendment 297**

**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 2 – paragraph 4 – point b – point v (new)**

*Text proposed by the Commission*

*Amendment*

v) *a copy of the pay slips for the past two months, in paper or electronic form;*

Or. en

**Amendment 298**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point b – point v (new)**

*Text proposed by the Commission*

*Amendment*

v) *a copy of the pay slips for the past two months, in paper or electronic form;*

Or. en

**Amendment 299**  
**Evelyn Regner, Ole Christensen, Siôn Simon, Rory Palmer, Claudiu Ciprian Tănăsescu, Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *an obligation for the driver to keep and make available, where requested at the roadside control, the tachograph records, and in particular the country codes of Member States where the driver has been present when carrying out international road transport operations or cabotage operations;* *deleted*

Or. en

**Amendment 300**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) an obligation for the driver to keep and make available, where requested at the roadside control, the tachograph records, and in particular the country codes of Member States where the driver has been present when carrying out international road transport operations or cabotage operations;** **deleted**

Or. en

**Amendment 301**

**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, Merja Kyllönen**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, translated into one of the official languages of the host Member State or into English;** **deleted**

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<sup>20</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)

Or. en

**Amendment 302**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, translated into one of the official languages of the host Member State or into English;* **deleted**

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<sup>20</sup> *Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)*

Or. en

**Amendment 303**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, translated into one of the official languages of the host Member State or into English;* **deleted**

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<sup>20</sup> *Council Directive 91/533/EEC of 14*

***October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)***

Or. en

*Justification*

*It is impossible to effectively control the employment contract during the road checks. These documents should be controlled in the premises. This can be easily done by strengthening the cooperation between competent authorities via the IMI system. The whole procedure is set up in the Enforcement Directive 2014/67/EU.*

**Amendment 304**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, translated into one of the official languages of the host Member State or into English;*** ***deleted***

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<sup>20</sup> ***Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)***

Or. en

*Justification*

*It is impossible to control employment contract and pay slips during road checks. This should be done during controls at the premises.*

## Amendment 305

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

### Proposal for a directive

#### Article 2 – paragraph 4 – point d

*Text proposed by the Commission*

*Amendment*

(d) *an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, translated into one of the official languages of the host Member State or into English;* *deleted*

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<sup>20</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)

Or. en

## Amendment 306

Emilian Pavel, Claudia Țapardel

### Proposal for a directive

#### Article 2 – paragraph 4 – point d

*Text proposed by the Commission*

*Amendment*

(d) an obligation for the *driver* to keep and make available, where *requested* at the roadside control, in paper or electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, translated into one of the official languages of the host Member State or into English;

(d) an obligation for the *transport operator in the Member State of establishment* to keep and make available, where *such a request is submitted to the driver* at the roadside control, in paper or electronic form, a copy of the employment contract *of the driver* or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>,

translated into one of the official languages of the host Member State or into English; ***such a document must be delivered within 14 working days from the date the request has been made;***

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<sup>20</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)

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<sup>20</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)

Or. en

### **Amendment 307**

**Ádám Kósa, Csaba Sógor, Andor Deli**

#### **Proposal for a directive**

#### **Article 2 – paragraph 4 – point d**

##### *Text proposed by the Commission*

(d) an obligation for the ***driver to keep and*** make available, ***where requested at the roadside control, in paper or*** electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, ***translated into one*** of the official languages of the host Member State ***or into English;***

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<sup>20</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)

##### *Amendment*

(d) an obligation for the ***transport manager or other contact person(s) in the Member State of establishment*** to make available ***in*** electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup> ***of the driver, in any*** of the official languages of the ***Union within 14 working days of the request made by the relevant authorities of the*** host Member State

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<sup>20</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)

Or. en

**Amendment 308**  
**Anthea McIntyre**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point d**

*Text proposed by the Commission*

(d) an obligation for the *driver* to keep and make available, ***where requested at the roadside control***, in paper or electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, translated into one of the official languages of the host Member State or into English;

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<sup>20</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)

*Amendment*

(d) an obligation for the *operator* to keep and make available ***within 14 days of receiving a request***, in paper or electronic form, a copy of the employment contract ***of the driver concerned*** or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC<sup>20</sup>, translated into one of the official languages of the host Member State or into English;

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<sup>20</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)

Or. en

**Amendment 309**  
**Dominique Martin, Joëlle Mélin**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the requirement for the road transport operator to indicate on the pay slip the number of hours worked in each Member State, the remuneration paid, the hourly rates applied and daily subsistence and homeward journey allowances paid, so that the worker or authorities can carry out the necessary checks.***

Or. fr



## **Amendment 310**

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

### **Proposal for a directive**

#### **Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

*Amendment*

*e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;* **deleted**

Or. it

## **Amendment 311**

**Danuta Jazłowiecka**

### **Proposal for a directive**

#### **Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;* **deleted**

Or. en

#### *Justification*

*It is impossible to effectively control the payslips during the road checks. These documents should be controlled in the premises. This can be easily done by strengthening the cooperation between competent authorities via the IMI system. The whole procedure is set up in the Enforcement Directive 2014/67/EU.*

**Amendment 312**

**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, Merja Kyllönen**

**Proposal for a directive**

**Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;* **deleted**

Or. en

**Amendment 313**

**Joachim Schuster**

**Proposal for a directive**

**Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;* **deleted**

Or. en

**Amendment 314**

**Evelyn Regner, Ole Christensen, Siôn Simon, Rory Palmer, Claudiu Ciprian Tănăsescu,**

Michael Detjen, Maria Arena, Javi López, Sergio Gutiérrez Prieto

**Proposal for a directive**

**Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;* **deleted**

Or. en

**Amendment 315**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;* **deleted**

Or. en

*Justification*

*It is impossible to control employment contract and pay slips during road checks. This should be done during controls at the premises.*

**Amendment 316**  
**Karima Delli, Terry Reintke**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

(e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;

*Amendment*

(e) an obligation for the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy; ***time-sheets or other proof of the beginning, end and duration of the daily working time and proof of payment of wages or copies of equivalent documents during the period of posting in an accessible and clearly identified place in its territory, such as the workplace or the building site, or for mobile workers in the transport sector the operations base or the vehicle with which the service is provided;***

Or. en

*Justification*

*Alignment with Directive 2014/67/EC*

**Amendment 317**  
**Emilian Pavel, Claudia Țapardel**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

(e) an obligation for the ***driver to*** make available, where ***requested*** at the roadside control, in paper or electronic form, a copy of payslips for last two months; ***during the***

*Amendment*

(e) an obligation for the ***transport operator in the Member State of establishment to keep and*** make available, where ***such a request is submitted to the***

***roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;***

***driver at the roadside control, in paper or electronic form, a copy of payslips for last two months; such a document must be delivered within 14 working days from the date the request has been made;***

Or. en

**Amendment 318**  
**Anthea McIntyre**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

(e) an obligation for the ***driver*** to make available, ***where requested at the roadside control***, in paper or electronic form, a copy of payslips for last two months; during ***the*** roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;

*Amendment*

(e) an obligation for the ***operator*** to make available, ***within 14 days of receiving a request***, in paper or electronic form, a copy of payslips for ***the*** last two months; during ***a*** roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;

Or. en

**Amendment 319**  
**Ádám Kósa, Csaba Sógor, Andor Deli**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point e**

*Text proposed by the Commission*

(e) an obligation for ***the driver to make available, where requested at the roadside control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office,*** the transport manager or ***any other person or entity which may provide this copy;***

*Amendment*

(e) an obligation for the transport manager or other ***contact person(s) in the Member State of establishment to make available in electronic form a copy of the driver's payslips for the preceding two calendar months within 14 working days of the request made by the relevant authorities of the host Member State;***

Or. en

**Amendment 320**

**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes, Merja Kyllönen**

**Proposal for a directive**

**Article 2 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) and (e), at the request of the authorities of the host Member State within *a reasonable period of time*;

*Amendment*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) and (e), at the request of the authorities of the host Member State within *five days from the request*;

Or. en

**Amendment 321**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) and (e), at the request of the authorities of the host Member State within a reasonable period of time;

*Amendment*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b) and (c) *within one month of being asked to do so by* the authorities of the host Member State;

Or. it

**Amendment 322**

**Karima Delli, Terry Reintke**

**Proposal for a directive**

**Article 2 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in *points (b), (c) and (e)*, at the request of the authorities of the host Member State within *a reasonable period of time*;

*Amendment*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in *this Article* at the request of the authorities of the host Member State within *two weeks of the end of the posting*;

Or. en

**Amendment 323**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) *and (e)*, at the request of the authorities of the host Member State within a reasonable period of time;

*Amendment*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b) *and (c)*, at the request of the authorities of the host Member State within a reasonable period of time;

Or. en

*Justification*

*It is impossible to control employment contract and pay slips during road checks. This should be done during controls at the premises.*

**Amendment 324**

**Ádám Kósa, Csaba Sógor, Andor Deli**

**Proposal for a directive**

**Article 2 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) **and (e)**, at the request of the authorities of the host Member State within a reasonable period of time;

*Amendment*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b) **and** (c) at the request of the authorities of the host Member State within a reasonable period of time;

Or. en

**Amendment 325**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in **points** (b), (c) **and (e)**, at the request of the authorities of the host Member State within **a reasonable period of time**;

*Amendment*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in **point** (b), at the request of the authorities of the host Member State within **5 days from the request**;

Or. en

**Amendment 326**  
**Anthea McIntyre**

**Proposal for a directive**  
**Article 2 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) and (e), at the request of the authorities of the host Member State within **a reasonable**

*Amendment*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) and (e), at the request of the authorities of the host Member State within **14 days**;



*period of time;*

Or. en

**Amendment 327**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in *points (b), (c) and (e)*, at the request of the authorities of the host Member State within *a reasonable period of time;*

*Amendment*

(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in *point (b)*, at the request of the authorities of the host Member State within *five days of the request;*

Or. en

**Amendment 328**

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

**Proposal for a directive**

**Article 2 – paragraph 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(fa) an obligation for the road transport operator to send a copy of the payslip for the month of posting within two months from the end of the posting.*

*This documentation shall be provided in electronic form via the Internal Market Information System (IMI) introduced under Regulation (EU) No 1024/2012, in one of the official languages of the European Union.*

Or. it

**Amendment 329**

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

**Proposal for a directive**

**Article 2 – paragraph 4 –subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may help in carrying out the check. Checks and controls of employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC and/ or payslips shall be carried out solely at the premises.*

Or. en

**Amendment 330**

**Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulík**

**Proposal for a directive**

**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

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

*a) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, and evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council;*

*b) an obligation for the driver to keep and make available, where requested at the roadside control, the tachograph records, and in particular the country codes of Member States where the driver has been present when carrying out international road transport operations or cabotage operations;*

*c) in case of credible indications of possible infringements of this Directive, Directive 2006/22/CE and Directive 2014/67/EU, the Member States shall request within a reasonable period of time for information to the Member State of establishment that will ask to the road transport operator, after the period of posting. The information referred to shall only comprise the following details:*

*- the evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.*

*- the tachograph records, and in particular the country codes of Member States where the driver has been present when carrying out international road transport operations or cabotage operations.*

*- a copy of the employment contract or an equivalent document such as certificate of employment within the meaning of Article 3 of Council Directive 91/533/EEC, available in one of EU official languages.*

Or. en

**Amendment 331**

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

**Proposal for a directive**

**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a.** *For the purposes of paragraph 4(fa), the Commission shall, by means of implementing acts, draw up a standard payslip for posted drivers. The payslip should contain at least the following information:*

*(a) The number of hours worked by the driver in a given month, broken down by Member State;*

*(b) Minimum hourly or daily pay for each Member State in which the driver has worked in a given month.*

*These implementing acts shall be adopted in accordance with the examination procedure under Article 2a(2).*

*The use of this standard payslip shall be without prejudice to national rules governing payslips.*

Or. it

**Amendment 332**  
**Karima Delli, Terry Reintke**

**Proposal for a directive**  
**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a.** *In order to ensure that all EU rules on mobile workers are implemented in a fair, simple and effective way, a European Labour Authority shall be responsible for inspecting and enforcing the rules.*

*It shall provide operational and legal support to Member States, social partners and workers to enforce social legislation and undertake European wide inspections.*

*The European Labour Authority shall be responsible for the monitoring and access to data contained in the national electronic registers.*

Or. en

**Amendment 333**

**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes, Merja Kyllönen**

**Proposal for a directive**

**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Evidence referred to in Article 2, paragraph 4 (a), (b) and (c) shall be kept on board the vehicle and presented to the authorised inspecting officers of the Member State hosting the posted driver within the duration of the roadside check.*

Or. en

**Amendment 334**

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

**Proposal for a directive**

**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Evidence referred to in Article 2(4)(a), (b) and (f) shall be kept on the vehicle and presented to the authorised inspecting officers of the host Member State in the event of roadside checks.*

Or. en

**Amendment 335**

**Patrick Le Hyaric, Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes, Merja Kyllönen**

**Proposal for a directive**

**Article 2 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. To prove that the provisions of Directive 96/71/EC and subsequently of the legal act amending this directive, as well as the provisions of Directive 2014/67/EU are met, during roadside checks the competent authorities of the Member State of the posting shall verify the following:***

***(a) the tachograph data of the current day and that of the previous 56 days;***

***(b) the electronic consignment notes of the current day and of the past 5-6 days;***

***(c) the documents referred to in Article 2(1)(a), (b) and (c).***

***The roadside check authorities shall transmit all information referred to in the above paragraph to the competent authorities of the Member State of posting, for an assessment of compliance with the legal acts referred to in the above paragraph.***

***In order to facilitate the implementation, the application of this directive, the competent authorities of the Member States shall cooperate with mutual assistance and all relevant information, within the conditions laid down in Directive 2014/67/EU and in Regulation (EC) No 1071/2009.***

***For the purpose to increase the effectiveness of cross-border enforcement and of targeted checks, the Member States shall provide access in real time to all relevant authorised inspecting authorities to the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012, to the national***

*electronic registers established by Regulation (EC) No 1071/2009, to posting declaration referred to in Article 2.4 of this Directive and to any other relevant databases.*

Or. en

#### *Justification*

*Posting of workers cannot entirely be checked at the roadside, as the roadside control authorities do not have the primary competence and knowledge to evaluate posting situations. However, roadside checks can play a key role in the enforcement of posting of workers rules in road transport, if adequately combined with company checks by labour and transport authorities. Thus roadside checks are meant to collect the data relevant to posting and transmit it to the competent authorities of the Member State where the check takes place, which will engage an exchange of information with its counterparts from across the EU. This is an effective combination of momentary and cross-border controls to deal with mobile nature of the sector.*

**Amendment 336**  
**Karima Delli, Terry Reintke**

**Proposal for a directive**  
**Article 2 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. A Union list of road hauliers that do not meet the relevant legal requirements shall be made public in order to ensure the greatest transparency. This Union list shall be based on common criteria developed at Union level and reviewed annually by the European Labour Authority. Road Hauliers listed on the Union list shall be subject to an operating ban. The operating prohibitions on the Union list shall apply throughout the territory of the Member States. In exceptional cases, Member States shall be allowed to take unilateral measures. In an emergency, and when faced with an unforeseen security problem, Member States shall have the possibility of immediately issuing an operating ban for***

*their own territory.*

Or. en

**Amendment 337**

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

**Proposal for a directive**

**Article 2 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. The control authorities shall verify whether the data sent via the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012, matches the data transmitted by the smart tachographs to the portal referred to in Regulation (EU) No 165/2014.**

Or. it

**Amendment 338**

**Patrick Le Hyaric, Paloma López Bermejo, João Pimenta Lopes**

**Proposal for a directive**

**Article 2 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. For the purposes of point (a) of paragraph 4 the road transport operator may provide a posting declaration covering a period of a maximum of six months.** **deleted**

Or. en

*Justification*

*A posting declaration for a group of drivers and all types of transport for a period of six months does not have any added value for enforcement as it includes only very general information on basis of which enforcers cannot make an assessment over genuineness of*



*posting. On the contrary, a posting declaration per driver and per posting situation provides a genuine and enforceable link between a transport operation on the one hand, the driver and vehicle engaged in it on the other hand. This is the only way to eliminate potential abuses.*

#### **Amendment 339**

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

#### **Proposal for a directive Article 2 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. For the purposes of point (a) of paragraph 4 the road transport operator may provide a posting declaration covering a period of a maximum of six months.**

**deleted**

Or. en

#### **Amendment 340**

**Danuta Jazłowiecka**

#### **Proposal for a directive Article 2 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. For the purposes of point (a) of paragraph 4 the road transport operator may provide a posting declaration covering a period of a maximum of six months.**

**5. During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may help in carrying out the check.**

**Checks and controls of employment contract or an equivalent document within the meaning of article 3 of Council Directive 91/533/EEC and/ or payslips shall be carried out solely at the premises. Member States shall proceed in line with procedures put forward by Articles 6, 7 and 8 of Directive 2014/67/EU.**

Or. en

## *Justification*

*It is impossible to effectively control the employment contract and payslips during the road checks. These documents should be controlled in the premises. This can be easily done by strengthening the cooperation between competent authorities via the IMI system. The whole procedure is set up in the Enforcement Directive 2014/67/EU.*

### **Amendment 341**

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

#### **Proposal for a directive Article 2 – paragraph 5**

*Text proposed by the Commission*

5. For the *purposes of point (a) of paragraph 4 the road transport operator may provide a posting declaration covering a period of a maximum of six months.*

*Amendment*

5. *To prove that the provisions of Directive 96/71/EC and Directive 2014/67/EU of the European Parliament and of the Council relating to administrative requirements and control measures for the posting of workers are met, the competent authorities of the host Member State shall verify the following during roadside checks:*

Or. en

### **Amendment 342**

**Joachim Schuster**

#### **Proposal for a directive Article 2 – paragraph 5**

*Text proposed by the Commission*

5. *For the purposes of point (a) of paragraph 4 the road transport operator may provide a posting declaration covering a period of a maximum of six months.*

*Amendment*

5. *Evidence referred to in Article 2 paragraph 4 (a) (b) and (c) shall be kept on the vehicle and presented to the authorised inspecting officers of the Member State hosting the posted worker within the duration of the roadside check.*

Or. en

**Amendment 343**

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

**Proposal for a directive**

**Article 2 – paragraph 5**

*Text proposed by the Commission*

5. *For the purposes of point (a) of paragraph 4 the road transport operator may provide a posting declaration covering a period of a maximum of six months.*

*Amendment*

5. *By ... [two years after the date of entry into force of this Directive], the Commission shall develop the standardised form of the simple declaration containing only the information as specified in paragraph 4(a) (i) to (vi).*

Or. en

**Amendment 344**

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

**Proposal for a directive**

**Article 2 – paragraph 5 – point a (new)**

*Text proposed by the Commission*

*Amendment*

(a) *the tachograph data of the current day and that of the past 56 days;*

Or. en

**Amendment 345**

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

**Proposal for a directive**

**Article 2 – paragraph 5 – point b (new)**

*Text proposed by the Commission*

*Amendment*

(b) *the electronic consignment notes*

*of the current day and the past 56 days;*

Or. en

**Amendment 346**

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

**Proposal for a directive**

**Article 2 – paragraph 5 – point c (new)**

*Text proposed by the Commission*

*Amendment*

*(c) the documents referred to in Article 2, paragraph 4 (a) (b) and (f);*

Or. en

**Amendment 347**

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

**Proposal for a directive**

**Article 2 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*5a. The roadside check authorities shall transmit all information referred to in Article 2 paragraph 5 (a) (b) and (c) to the competent authorities of the host Member State, for an assessment of compliance with the legal acts referred to in paragraph 5.*

Or. en

**Amendment 348**

**Joachim Schuster**

**Proposal for a directive**

**Article 2 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**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 31 December 2021, at the latest.*

Or. en

**Amendment 349**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**5b.** *To prove that the provisions of Directive 96/71/EC and Directive 2014/67/EU of the European Parliament and of the Council relating to administrative requirements and control measures for the posting of workers are met, the competent authorities of the host Member State shall verify the following in case of roadside checks:*

*a. the tachograph data of the current day and that of the past 56 days;*

*b. the electronic consignment notes of the current day and the past 56 days;*

*c. the documents referred to in Article 2 paragraph 4 (a) (b) and (f);*

Or. en

*Justification*

*Technically not able to create points on lower level.*

**Amendment 350**

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

**Proposal for a directive**

**Article 2 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**5b. The competent authorities in the Member States shall cooperate closely and provide each other with mutual assistance and all relevant information, within the conditions laid down in Directive 2014/67/EU and in Regulation (EC) No 1071/2009.**

Or. en

**Amendment 351**

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

**Proposal for a directive**

**Article 2 – paragraph 5 c (new)**

*Text proposed by the Commission*

*Amendment*

**5c. For the purpose to increase the effectiveness of cross-border enforcement and of targeted checks, the Member States shall provide all relevant authorities real time access to the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012 to the national electronic registers established by Regulation(EC) No 1071/2009, to posting declaration and to any other relevant databases.**

Or. en

**Amendment 352**

**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 5 c (new)**

*Text proposed by the Commission*

*Amendment*

**5c.** *The roadside check authorities shall transmit all information referred to in paragraph 7 (a) (b) and (c) to the competent authorities of the host Member State, for an assessment of compliance with the legal acts referred to in Article 5.*

Or. en

**Amendment 353**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 5 d (new)**

*Text proposed by the Commission*

*Amendment*

**5d.** *The competent authorities in the Member States shall cooperate closely and provide each other with mutual assistance and all relevant information, within the conditions laid down in Directive 2014/67/EU and in Regulation (EC) No1071/2009.*

Or. en

**Amendment 354**  
**Joachim Schuster**

**Proposal for a directive**  
**Article 2 – paragraph 5 e (new)**

*Text proposed by the Commission*

*Amendment*

**5e.** *For the purpose to increase the effectiveness of cross-border enforcement and of targeted checks, the Member States shall provide all relevant authorities real time access to the Internal Market*

*Information System (IMI), established by Regulation (EU) No 1024/2012 to the national electronic registers established by Regulation(EC) No 1071/2009, to posting declaration and to any other relevant databases.*

Or. en

**Amendment 355**

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

**Proposal for a directive**

**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2a**

**Committee procedure**

***1. The Commission shall be assisted by a committee pursuant to Article 42(1) of Regulation (EU) No 165/2014. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***

***2. Where reference is made to this paragraph, the provisions of Article 5 of Regulation (EU) No 182/2011 shall apply.***

Or. it

**Amendment 356**

**Michael Detjen**

**Proposal for a directive**

**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2 a**

***Member States shall apply Directive 96/71/EC and 2014/67/EU for the entire period of posting to their territory to drivers in the road transport sector***



*employed by undertakings referred to in Article 1(3) (a), (b) and (c) when performing transit;*

Or. en

#### **Amendment 357**

**Dominique Martin, Joëlle Mélin**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1**

##### *Text proposed by the Commission*

1. The Commission shall evaluate the implementation of this Directive, in particular the impact of Article 2, by [3 years after the date for transposition of this Directive] and report to the European Parliament and the Council on the application of this Directive. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.

##### *Amendment*

1. The Commission shall evaluate the implementation of this Directive, in particular the impact of Article 2 *on the job of, and the wages received by, drivers in the Member States*, by [3 years after the date for transposition of this Directive] and report to the European Parliament and the Council on the application of this Directive. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.

Or. fr

#### **Amendment 358**

**Georgi Pirinski**

#### **Proposal for a directive**

#### **Article 4 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Member States shall adopt and publish, by [...] *[The time limit for transposition will be as short as possible and, generally, will not exceed two years]* at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

##### *Amendment*

Member States shall adopt and publish, by *2 years from the entry into force of this Directive* at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

**Amendment 359**

**Ádám Kósa, Csaba Sógor, Andor Deli**

**Proposal for a directive****Article 4 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Member States shall adopt and publish, by [...] ***[The time limit for transposition will be as short as possible and, generally, will not exceed two years] at the latest***, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall adopt and publish, by ***three years from the entry into force of this Directive***, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

**Amendment 360**

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

**Proposal for a directive****Article 4 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Member States shall adopt and publish, by [...] ***[The time limit for transposition will be as short as possible and, generally, will not exceed two years] at the latest***, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive ***in the same time frame as that set out under Article 2 of the legislative act amending Directive 96/71/EC***. They shall forthwith communicate to the Commission the text of those provisions.

Or. fr

### *Justification*

*To ensure that posted road transport workers and other posted workers are not treated differently, the general rules and the rules that apply specifically to the road transport sector must be transposed and applied at the same time.*

#### **Amendment 361** **Robert Rochefort**

##### **Proposal for a directive** **Article 4 – paragraph 1 – subparagraph 1**

###### *Text proposed by the Commission*

Member States shall adopt and publish, *by [...] [The time limit for transposition will be as short as possible and, generally, will not exceed two years] at the latest*, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

###### *Amendment*

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive *in the same time frame as that set out under Article 2 of the legislative act amending Directive 96/71/EC*. They shall forthwith communicate to the Commission the text of those provisions.

Or. fr

#### **Amendment 362** **Ádám Kósa, Csaba Sógor, Andor Deli**

##### **Proposal for a directive** **Article 4 – paragraph 1 – subparagraph 2**

###### *Text proposed by the Commission*

They shall apply those provisions from [...].

###### *Amendment*

They shall apply those provisions from ... *[COD 2016/0070 -revised Posting of Workers Directive] is applicable*].

Or. en

#### **Amendment 363** **Danuta Jazłowiecka**

**Proposal for a directive**  
**Article 4 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

They shall apply those provisions from [...].

*Amendment*

They shall apply those provisions from ...  
***[the date when COD 2016/007 -revised Posting of Workers Directive is applicable].***

Or. en

*Justification*

*Lex specialis cannot be applicable before the revised Posting of Workers Directive is enforceable with regards to other sectors. Transport operators would also need a considerable amount of time in order to adapt to the new legal situation.*

**Amendment 364**

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

**Proposal for a directive**  
**Article 4 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

They shall apply those provisions from [...].

*Amendment*

They shall apply those provisions from ...  
***[the date when COD 2016/007 -revised Posting of Workers Directive is applicable].***

Or. en

*Justification*

*Lex specialis should be applicable the same time when the revised posting rules will be enforceable in other sectors. Date to be specified once the revised posting rules are adopted.*

**Amendment 365**

**Karima Delli, Terry Reintke**

**Proposal for a directive**  
**Article 4 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Until the date referred to in the second subparagraph, Directives 2003/88/EC, 96/71/EC and 2014/67/EC shall remain applicable in their entirety.***

Or. en

**Amendment 366**

**Ádám Kósa, Csaba Sógor, Andor Deli**

**Proposal for a directive**

**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The transport sector, due to its recognised highly mobile features, is exempt from the measures deriving from the legislative act amending Directive 96/71/EC.***

Or. en

**Amendment 367**

**Danuta Jazłowiecka**

**Proposal for a directive**

**Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Commission shall develop, by ways of implementing acts, by ... [2 years after date of the entry into force of this Directive], the public interface of IMI system dedicated to road transport operators as well as a standardised form of the declaration.***

Or. en