1.7.2020

Amendment 2
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

Recommendation for second reading
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector (2017/0121(COD))

Council position
Recital 12

(Council position)

(12) When a driver is engaged in a combined transport operation, the nature of the service provided during the initial or final road leg is closely linked with the Member State of establishment if the road leg on its own is a bilateral transport operation. By contrast, when the transport operation during the road leg is carried out within the host Member State or as a non-bilateral international transport operation, there is a sufficient link with the territory of a host Member State and therefore the posting rules should apply.

(12) When a driver is engaged in a combined transport operation, the nature of the service provided during the initial or final road leg is closely linked with the Member State of establishment if the road leg on its own is a bilateral transport operation.

Or. en
Amendment 3
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

Recommendation for second reading
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector (2017/0121(COD))

Council position
Recital 14 a (new)

(Council position)

(14 a) The special rules provided for in this Directive should, in addition to postings based on a service contract, also cover postings to an establishment or an undertaking within the same group covered by Article 1(3), point (b), of Directive 96/71/EC. That provision covers many diverse situations, which will be differently affected by the special provisions in this Directive distinguishing between different types of transport operation. Where the driver is posted to an establishment or an undertaking in another Member State for a longer time or performs transport operations in general for such an establishment or undertaking, there is no need for special provisions and the driver should be considered to be posted in accordance with the provisions of Directive 96/71/EC. However, where a driver covered by Article 1(3), point (b), of Directive 96/71/EC performs transport operations that resemble bilateral transport operations without being subject to a transport contract, the driver should not be considered posted.

Or. en
1.7.2020

Amendment 4
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

Recommendation for second reading
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector (2017/0121(COD))

Council position
Recital 15

(15) Union operators face growing competition from operators based in third countries. It is therefore of the utmost importance to ensure that Union operators are not discriminated against. According to Article 1(4) of Directive 96/71/EC, undertakings established in a non-member State must not be given more favourable treatment than undertakings established in a Member State. That principle should also apply with regard to the specific rules on posting provided for in this Directive. It should, in particular, apply when third country operators perform transport operations under bilateral or multilateral agreements granting access to the Union market.

Or. en
2. These specific rules apply to drivers employed by undertakings established in a Member State which take the transnational measure referred to in point (a) of Article 1(3) of Directive 96/71/EC.

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

A driver employed by an undertakings established in a Member State which takes transnational measures referred to in Article 1(3), point (b) of Directive 96/71/EC shall not be considered to be posted for the purpose of Directive 96/71/EC when performing a transport operation for his employer's own account consisting in:

(a) the movement of goods from the Member State of establishment of his employer to an establishment or to an undertaking owned by the group in another Member State;

(b) the movement of goods from such an establishment or undertaking owned by the group to the Member State of establishment of his employer; or

(c) an unladen journey in conjunction with the transport operations referred to in points (a) or (b).
Amendment 6
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

Recommendation for second reading
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector (2017/0121(COD))

Council position
Article 1 – paragraph 3 – subparagraph 1

Council position

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

Amendment

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

Or. en
Amendment 7  
Kosma Złotowski, Roberts Zīle  
on behalf of the ECR Group

Recommendation for second reading  
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector  
(2017/0121(COD))

Council position
Article 1 – paragraph 3 – subparagraph 1 a (new)

<table>
<thead>
<tr>
<th>Council position</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>In a bilateral transport operation, the Member State of establishment shall be either the place of origin where the transported goods are loaded or the place of destination where the goods are unloaded. Moreover, a bilateral transport operation may involve picking up of the goods at one or several loading points until their final delivery at one or several delivery points.</td>
<td></td>
</tr>
</tbody>
</table>

Or. en
Amendment 8
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

Recommendation for second reading
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector (2017/0121(COD))

Council position
Article 1 – paragraph 3 – subparagraph 2

Council position  
From … [18 months after the entry into force of this Directive], which is the date from which drivers are required, pursuant to Article 34(7) of Regulation (EU) No 165/2014, to record border crossing data manually, Member States shall apply the exemption for bilateral transport operations in respect of goods set out in the first and second subparagraphs of this paragraph also where, in addition to performing a bilateral transport operation, the driver performs one activity of loading and/or unloading in the Member States or third countries that the driver crosses, provided that the driver does not load goods and unload them in the same Member State.

Amendment
deleted

Or. en
1.7.2020

Amendment 9
Kosma Zlotowski, Roberts Zīle
on behalf of the ECR Group

Recommendation for second reading
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector (2017/0121(COD))

Council position
Article 1 – paragraph 3 – subparagraph 3

Council position

Amendment

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

deleted

Or. en
Amendment 10
Kosma Złotowski, Roberts Zīle
on behalf of the ECR Group

Recommendation for second reading
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector (2017/0121(COD))

Council position
Article 1 – paragraph 3 – subparagraph 3 a (new)

<table>
<thead>
<tr>
<th>Council position</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moreover, by way of derogation, a driver shall not be considered to be posted for the purpose of Directive 96/71/EC when performing up to three cross-trade transport operations, where these operations are performed during or following incoming bilateral transport operation from the Member State of establishment or during outgoing bilateral transport operation to the Member State of establishment.</td>
<td>Or. en</td>
</tr>
</tbody>
</table>
1.7.2020 A9-0114/11

Amendment 11
Kosma Zlotowski, Roberts Zīle
on behalf of the ECR Group

Recommendation for second reading A9-0114/2020
Kateřina Konečná
Enforcement requirements and specific rules for posting drivers in the road transport sector (2017/0121(COD))

Council position
Article 1 – paragraph 3 – subparagraph 3 b (new)

<table>
<thead>
<tr>
<th>Council position</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the purpose of this Directive, a cross-trade operation is the movement of goods, based on a consignment note, between two different Member States other than the Member State of establishment, as defined in Article 2(8) of Regulation (EC) No 1071/2009. Moreover, a cross-trade transport operation may involve the picking up of the goods at one or several loading points until their final delivery at one or several delivery points.</td>
<td></td>
</tr>
</tbody>
</table>

Or. en