



2017/0121(COD)

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AMENDMENTS

41 - 252

Draft report

Merja Kyllönen

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 41
Inés Ayala Sender

Proposal for a directive
Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Directive 2006/22/EC as regards
enforcement requirements and laying down
specific rules with respect to Directive
96/71/EC and Directive 2014/67/EU for
posting drivers in the road transport sector

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Directive 2006/22/EC as regards
enforcement requirements and laying down
specific rules with respect to Directive
96/71/EC and Directive 2014/67/EU for
posting drivers in the road transport sector
***and amending Regulation (EU) No
1024/2012 on administrative
cooperation through the Internal Market
Information System ('IMI Regulation')***

Or. es

Amendment 42
Karima Delli, Bas Eickhout

Proposal for a directive
Citation 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 43
Andor Deli, Ádám Kósa, Andrey Novakov, Deirdre Clune

Proposal for a directive

Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) Given the high mobility of workforce in the road transport sector, sector-specific rules are needed to ensure the balance between the freedom to provide cross-border services for operators, the free movement of goods and the social protection of drivers. Therefore, the aim of this directive is to provide legal certainty and clarity, to contribute to the harmonization and fostering of enforcement and to the fight against illegal practices and lower administrative burden.

Or. en

Justification

The Posting of Workers Directive was never intended for a mobile workforce moving from one country to another and therefore should not apply to the road transport sector. It is highly questionable whether European legislation on posting of workers should be used as an instrument in international road transport to combat illegal practices. Instead, better enforcement is needed which would not put extra administrative burden on companies that comply with laws.

Amendment 44

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Jens Nilsson, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure **adequate** working conditions and social protection for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.

(1) The free movement of workers, freedom of establishment, and freedom to provide services are fundamental principles of the internal market in the Union; they are enshrined in the Treaty on the Functioning of the European Union (TFEU) and are essential to a properly functioning internal market. The

implementation and enforcement of those principles is further developed by the Union, aimed at guaranteeing a level playing field for businesses, combating the circumvention of rules, respecting workers' rights, improving working conditions, and enhancing social cohesion among Member States. In order to create a safe, efficient and socially responsible road transport sector, it is *therefore* necessary to ensure *equal pay for equal work at the same place, decent working conditions and social protection for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.*

Or. en

Amendment 45

Andor Deli, Ádám Kósa, Andrey Novakov, Deirdre Clune

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure adequate working conditions and social protection for drivers, *on the one hand*, and suitable business and *fair competition conditions* for operators, *on the other*.

Amendment

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure *the free movement of goods and the freedom to provide services*, adequate working conditions and social protection for drivers and *to provide a suitable business and competitive environment* for operators, *while respecting the fundamental freedoms, the free movement of goods and the freedom to provide services in particular as guaranteed by the Treaties.*

Or. en

Amendment 46

Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure adequate working conditions and social protection for drivers, **on the one hand, and suitable business and fair competition conditions** for operators, **on the other**.

Amendment

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure **a balance between free movement of services**, adequate working conditions and social protection for drivers **and a competitive business environment** for operators.

Or. en

Amendment 47

Rolandas Paksas

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure adequate working conditions and social protection for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.

Amendment

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure **a balance between free movement of services**, adequate working conditions and social protection for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.

Or. en

Amendment 48

Inés Ayala Sender

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) In order to create a safe, efficient

Amendment

(1) In order to create a safe, efficient,

and socially responsible road transport sector it is necessary to ensure **adequate** working conditions and social protection for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.

socially responsible **and non-discriminatory** road transport sector it is necessary to ensure **high-quality** working conditions and **adequate** social protection for drivers, on the one hand, and suitable, **regulated** business and fair competition conditions for operators, on the other.

Or. es

Amendment 49
Karima Delli, Bas Eickhout

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) In order to create a safe, efficient and socially responsible road transport sector it is **necessary** to ensure **adequate** working conditions and social protection for drivers, **on the one hand, and suitable business** and fair competition **conditions for operators, on the other.**

Amendment

(1) In order to create a safe, efficient and socially responsible road transport sector it is **of utmost importance** to ensure **decent** working conditions and social protection for drivers and fair competition **as well as a level playing field in the Union.**

Or. en

Amendment 50
Marian-Jean Marinescu

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure adequate working conditions **and social protection** for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.

Amendment

(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure adequate working conditions for drivers, on the one hand, and suitable business and fair competition conditions for operators, on the other.

Amendment 51

Lucy Anderson, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Michael Detjen, Ismail Ertug, Jens Nilsson, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In order to ensure that control measures for the posting of drivers in the road transport sector are correctly applied as defined by Directives 96/71/EC and 2014/67/EU, controls and cooperation at Union level to tackle fraud relating to the posting of drivers should be strengthened and stricter checks should be carried out; bearing in mind that the transport sector is one of the most vulnerable sectors, and that working conditions should be significantly improved in order to increase the attractiveness of the profession, there is a need to ensure that social contributions for posted drivers are actually paid and that social protection is respected.

Or. en

Amendment 52

Inés Ayala Sender

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The prices set by large-scale distributors and European shippers are chiefly responsibility for the unfair pressure on the road haulage sector, in breach of the interpretation of Article 101 TFEU, which when read in conjunction

with Article 4(3) of the TEU, enables national legislation to be used to prevent road haulage prices falling below a set level for minimum operating costs.

Or. es

Amendment 53
Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Any national rules applied to road transport must be proportionate and justified and must not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty, such as the freedom of movement of services, in order to maintain or increase the competitiveness of the Union, whilst respecting the working conditions and social protection for the drivers.

Or. en

Amendment 54
Karima Delli, Bas Eickhout

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 55
Inés Ayala Sender

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled and that operators are not faced with disproportionate administrative barriers unduly restricting their freedom to provide cross-border services.

Amendment

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled and that operators, ***most (90%) of which are SMEs with fewer than 10 workers***, are not faced with disproportionate administrative barriers unduly restricting their freedom to provide cross-border services.

Or. es

Amendment 56
Claudia Tapardel

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled and that operators are not faced with disproportionate administrative barriers unduly restricting their freedom to provide cross-border services.

Amendment

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled and that operators are not faced with disproportionate administrative barriers ***or abusive and discriminatory controls***, unduly restricting their freedom to provide cross-border services.

Or. en

Amendment 57

Karima Delli, Bas Eickhout

**Proposal for a directive
Recital 2**

Text proposed by the Commission

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled ***and that operators are not faced with disproportionate administrative barriers unduly restricting their*** freedom to provide ***cross-border*** services.

Amendment

(2) The inherent high mobility of road transport services requires particular attention in assuring that drivers benefit from the rights to which they are entitled, ***a fair level playing field is kept while respecting the*** freedom to provide services.

Or. en

Amendment 58

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

**Proposal for a directive
Recital 2 a (new)**

Text proposed by the Commission

Amendment

(2a) The road transport sector is highly competitive and characterized by a dimension of distortions generated by abusive forum shopping practices of undertakings in order to lower or avoid costs on wages and social security contributions or other social and working conditions which led to a race to the bottom competition in the past; whereas the internal market would benefit from a level playing field, further steps should be taken to prevent abusive practices by road transport operators through forum shopping, therefore the Commission is asked to evaluate and propose further horizontal measures in European Company law to end regime shopping and regulatory arbitrage by road transport operators.

functioning of the internal market.

working conditions for drivers are crucial for the smooth functioning of the internal market.

Or. en

Amendment 63
Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The balance between ***enhancing social and working conditions for drivers and*** facilitating the exercise of the freedom to provide road transport services based on ***fair*** competition between national and foreign operators is crucial for the smooth functioning of the internal market.

Amendment

(3) The balance between facilitating the exercise of the freedom to provide road transport services based on competition between national and foreign operators, ***reduction of administrative burden and social and working conditions for drivers*** is crucial for the smooth functioning of the internal market.

Or. en

Amendment 64
Renaud Muselier, Franck Proust, Elisabeth Morin-Chartier, Anne Sander, Geoffroy Didier, Jérôme Lavrilleux

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The balance between enhancing social and working conditions for drivers ***and*** facilitating the exercise of the freedom to provide road transport services ***based on*** fair competition between national and foreign operators is crucial for the smooth functioning of the internal market.

Amendment

(3) The balance between enhancing social and working conditions for drivers, facilitating the exercise of the freedom to provide road transport services ***and ensuring*** fair competition between national and foreign operators is crucial for the smooth functioning of the internal market.

Or. fr

Amendment 65
Marian-Jean Marinescu

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The balance between enhancing **social and** working conditions for drivers and facilitating the exercise of the freedom to provide road transport services based on fair competition between **national and foreign** operators is crucial for the smooth functioning of the internal market.

Amendment

(3) The balance between enhancing working conditions for drivers and facilitating the exercise of the freedom to provide road transport services based on fair competition between **Union** operators is crucial for the smooth functioning of the internal market.

Or. en

Amendment 66
Andor Deli,  K, Andrey Novakov

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty and unequal treatment of drivers and operators, which is detrimental to the working, social and competition conditions in the sector.

Amendment

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty and **the illegal and unlawful practice of** unequal treatment of drivers and operators **in some Member States**, which is detrimental to the working, social and competition conditions in the sector **and, in some cases, leads to the populist rhetoric of so-called social dumping without clear and widely agreed definition, whilst more emphasis should**

be put on fighting against undeclared workers in the transport sector.

Or. en

Justification

Lower wages in some parts of the EU are not a social dumping or unlawful practice but instead a competition advantage as a compensation for opening up markets. European legislation should not hamper the internal market but should fight illegal and unlawful practices.

Amendment 67

Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty ***and unequal treatment of drivers and operators***, which is detrimental to the working, social and competition conditions in the sector.

Amendment

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified, ***as well as illegal practices, such as the use of letterbox companies***. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules, ***creating high administrative burdens for non-resident Union operations in particular***. This creates legal uncertainty which is detrimental to the working, social and competition conditions in the sector.

Or. en

Amendment 68

Inés Ayala Sender

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty and unequal treatment of drivers and operators, which is detrimental to the working, social and competition conditions in the sector.

Amendment

(4) Having evaluated the effectiveness and efficiency of the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty and unequal, ***at times discriminatory***, treatment of drivers and operators, which is detrimental to the working, social and competition conditions in the sector.

Or. es

Amendment 69
Marie-Christine Arnautu

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Having evaluated the ***effectiveness and efficiency of the*** current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty and unequal treatment of drivers and operators, which is detrimental to the working, social and competition conditions in the sector.

Amendment

(4) Having evaluated the current Union social legislation in road transport, certain loopholes in the existing provisions and deficiencies in their enforcement were identified. Furthermore a number of discrepancies exist between Member States in interpretation, application and implementation of the rules. This creates legal uncertainty and unequal treatment of drivers and operators, which is detrimental to the working, social and competition conditions in the sector.

Or. fr

Amendment 70

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In order to ensure that control measures for the posting of drivers in the road transport sector are correctly applied as defined by Directives 96/71/EC and 2014/67/EU, controls and cooperation at Union level to tackle fraud relating to the posting of drivers should be strengthened and stricter checks should be carried out; bearing in mind that the transport sector is one of the most vulnerable sectors, and that working conditions should be significantly improved in order to increase the attractiveness of the profession, there is a need to ensure that social contributions for posted drivers are actually paid and that social protection is respected.

Or. en

Amendment 71

Richard Sulík, Martina Dlabajová

Proposal for a directive

Recital 5

Text proposed by the Commission

Amendment

(5) Adequate, effective and consistent enforcement of the working time provisions is crucial for protecting the working conditions of drivers and preventing the distortions of competition resulting from non-compliance. Therefore it is desirable to extend the existing uniform enforcement requirements set out in Directive 2006/22/EC to controlling

deleted

compliance with the working time provisions set out in Directive 2002/15/EU.

Or. en

Amendment 72
Marian-Jean Marinescu

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Adequate, effective and consistent enforcement of the working time provisions is crucial for protecting the working conditions of drivers and preventing the distortions of competition resulting from non-compliance. Therefore it is desirable to extend the existing uniform enforcement requirements set out in Directive 2006/22/EC to controlling compliance with the working time provisions set out in Directive 2002/15/EU.

Amendment

(5) Adequate, effective and consistent enforcement of the working time provisions is crucial for ***improving road safety***, protecting the working conditions of drivers and preventing the distortions of competition resulting from non-compliance. Therefore it is desirable to extend the existing uniform enforcement requirements set out in Directive 2006/22/EC to controlling compliance with the working time provisions set out in Directive 2002/15/EU. ***It is difficult during road side inspections to carry out controls of compliance with working time. Such controls should therefore be limited to checks at the premises of transport operators until smart tachographs are used in the sector.***

Or. en

Amendment 73
Inés Ayala Sender

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Adequate, effective and consistent

Amendment

(5) Adequate, effective and consistent

enforcement of the working time provisions is crucial for protecting the working conditions of drivers and preventing the distortions of competition resulting from non-compliance. Therefore it is desirable to extend the existing uniform enforcement requirements set out in Directive 2006/22/EC to controlling compliance with the working time provisions set out in Directive 2002/15/EU.

enforcement of the working time ***and rest time*** provisions is crucial for protecting the working conditions of drivers and preventing the distortions of competition resulting from non-compliance. Therefore it is desirable to extend the existing uniform enforcement requirements set out in Directive 2006/22/EC to controlling compliance with the working time provisions set out in Directive 2002/15/EU.

Or. es

Amendment 74

Andor Deli, Ádám Kósa, Andrey Novakov, Deirdre Clune

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Having in mind the specific character of transport services and the direct impact on the free movement of goods, with special focus on road safety and security, roadside checks should be limited to the minimum. Drivers should not be liable for additional administrative obligations of their respective companies. Rules on working time should be controlled at the premises of the transport operator only.

Or. en

Justification

Enforcement of the rules should be checked at the premises of the company by a competent enforcement authority of the Member State where the company is established.

Amendment 75

Dieter-Lebrecht Koch, Thomas Mann

Proposal for a directive

PE618.064v01-00

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Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to allow more efficient, faster and more numerous roadside checks while reducing the administrative burden on drivers, compliance with Directive 2002/15/EC should be verified in the context of inspections on company premises rather than roadside checks.

Or. de

Amendment 76

Claudia Tapardel

Proposal for a directive

Recital 6

Text proposed by the Commission

Amendment

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

(6) The administrative cooperation between Member States with regard to the implementation of the social rules in road transport has proven insufficient, making cross-border enforcement more difficult, inefficient and inconsistent. It is therefore necessary to establish a framework for effective communication and mutual assistance, including exchange of data on infringements and information on good practices in enforcement. ***This could be best served through the creation of a European Road Agency.***

Or. en

Amendment 77

Karima Delli, Bas Eickhout

Proposal for a directive

Recital 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 78
Inés Ayala Sender

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) With a view to ensuring road safety and preventing drivers from suffering unnecessarily long tailbacks and roadside stops, there is a pressing need for implementation of this Directive to give rise to cooperation between Member States on an equal footing and with the same objectives as those pursued through the application of bilateral agreements between them.

Or. es

Amendment 79
Inés Ayala Sender

Proposal for a directive
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) In this connection, inspectors responsible for roadside checks will have direct real-time access, via an electronic application common to all the EU Member States, both to the system interconnecting national registers of transport undertakings and activities, ERRU, and to information on the driver's posting declaration through the Internal Market Information System (IMI), with a view to verifying the correct application of and compliance with this Directive.

Or. es

Amendment 80
Inés Ayala Sender

Proposal for a directive
Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) With a view to fostering effective administrative cooperation and an effective exchange of information, Member States shall interconnect their national electronic registers (NER) through the European Register of Road Transport Undertakings (ERRU) system, with a legal basis in Article 16(5) of Regulation (EC) No 1071/2009. Member States shall take all necessary measures to ensure that the national electronic registers are interconnected, so that the competent authorities of the Member States, including road inspectors, can have direct real-time access to the data and information in the ERRU.

Or. es

Amendment 81
Inés Ayala Sender

Proposal for a directive
Recital 6 d (new)

Text proposed by the Commission

Amendment

(6d) Member States shall exchange data and information, engage in administrative cooperation and provide mutual assistance via the Internal Market Information System (IMI) – whose legal basis is provided by Regulation (EU) No 1034/2012 – with a view to ensuring full compliance with the rules. Similarly, the IMI shall be used to send and update posting declarations between transport operators and the competent authorities of the receiving Member States. In order to achieve this latter objective, it will be necessary to develop a parallel public interface within the IMI system to which transport operators will have access.

Or. es

Amendment 82
Inés Ayala Sender

Proposal for a directive
Recital 6 e (new)

Text proposed by the Commission

Amendment

(6e) The exchange of information in the context of effective administrative cooperation and mutual assistance between Member States shall comply with the rules on personal data protection laid down in Regulation 2016/679.

Or. es

Amendment 83
Inés Ayala Sender

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) With a view to harmonising and strengthening cross-border administrative cooperation, Member States must incorporate their national risk rating systems – whose legal basis is Article 9 of Directive 2006/22/EC – into their national registers of road transport undertakings and activities – whose legal basis is Regulation (EC) No 1071/2009 – so that the ERRU can serve as a common platform for the exchange of information on transport operators, infringements and risk ratings for all Member States. The competent authorities, including road inspectors, shall have direct real-time access to the data and information contained in this system.

Or. es

Amendment 84
Richard Sulík, Martina Dlabajová

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Rules for the posting of workers applicable to international road transport activities should be balanced, simple, and with a low administrative burden for Member States and transport undertakings. They should not aim to discourage operations outside the country of establishment of an undertaking.

Or. en

Amendment 85
Marie-Christine Arnautu

Proposal for a directive
Recital 9

Text proposed by the Commission

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

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

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

Amendment

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector.

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

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

Or. fr

Amendment 86
Luis de Grandes Pascual

Proposal for a directive
Recital 9

Text proposed by the Commission

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

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’)

Amendment

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for non-resident Union operators. This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs. ***Administrative requirements and control measures need to be harmonised to prevent carriers from suffering unnecessary or arbitrary delays.***

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’)

Amendment 87

Karima Delli, Bas Eickhout

Proposal for a directive

Recital 9

Text proposed by the Commission

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

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

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

Amendment

(9) Difficulties have also been experienced in **enforcing** the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ **for workers in** the highly mobile road transport sector. ***These need urgently to be remedied by ensuring that every worker enjoys the rights related to minimum protection at the workplace regardless of the duration of their work.***

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

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

Amendment 88

Dieter-Lebrecht Koch, Thomas Mann

Proposal for a directive

Recital 9

Text proposed by the Commission

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

¹⁵Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative

Amendment

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

¹⁵Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative

cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

Or. de

Amendment 89

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

Proposal for a directive

Recital 9

Text proposed by the Commission

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

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of

Amendment

(9) Difficulties have also been experienced in applying the rules on posting of workers specified in Directive 96/71/EC of the European Parliament and of the Council¹⁵ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council¹⁶ to the highly mobile road transport sector. The uncoordinated national measures on the application and enforcement of the provisions on posting of workers in the road transport sector have generated high administrative burdens for Union operators, *and have created unfair competition between enterprises of the Member States*. This created undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs.

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of

workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

Or. fr

Amendment 90
Claudia Țapardel

Proposal for a directive
Recital 9

Text proposed by the Commission

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

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive

Amendment

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

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive

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

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

Or. en

Amendment 91

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Jens Nilsson, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 9

Text proposed by the Commission

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

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European

Amendment

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

¹⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.97, p.1)

¹⁶ Directive 2014/67/EU of the European

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

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

Or. en

Amendment 92
Deirdre Clune

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Member States on the periphery face greater difficulties in attempting to reach the core of the Union internal market. It may be necessary to cross one or even two non-EU countries, with all the necessary border and customs checks, which results in increased total travelling time and consequently increased cost. Ireland may face even greater difficulties of this kind when the United Kingdom leaves the Union.

Or. en

Amendment 93

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) The Commission, in its proposal of

(10) The Commission, in its proposal of

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

¹⁷ COM(2016)128

8 March 2016¹⁷ for the revision of Directive 96/71/EC, recognized that the implementation of that Directive raises particular legal questions and difficulties in the highly mobile road transport sector and indicated that those issues should be best addressed through sector-specific road transport legislation; ***however, the road transport sector being highly competitive and characterized by distortions and abusive practices by road transport operators, further horizontal measures such as the protective minimum provisions of Directive 96/71/EC should be applied to all activities, including cabotage and international transports.***

¹⁷ COM(2016)128

Or. en

Amendment 94
Karima Delli, Bas Eickhout

Proposal for a directive
Recital 10

Text proposed by the Commission

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

¹⁷ COM(2016)128

Amendment

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

Or. en

Amendment 95

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Jens Nilsson, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Given the fact that there is a lack of drivers in Europe, working conditions should be significantly improved in order to increase the attractiveness of the profession.

Or. en

Amendment 96

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 11

Text proposed by the Commission

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

deleted

Or. en

Amendment 97

Francisco Assis

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules **reflecting** the particularity of the highly mobile workforce in the road transport sector and **providing** a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules **which take into account** the particularity of the highly mobile workforce in the road transport sector and **provide** a balance between the social protection of drivers and the freedom to provide cross-border services for operators. ***To that end, cabotage operations should be regulated in such a way as to prevent them from being used to distort competition. International transport and transit operations are governed by the principle of freedom of movement, as established in the Treaties, and therefore fall outside the scope of application of rules on posting.***

Or. pt

Amendment 98
Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators. ***Provisions on the posting of workers, in Directive 96/71/EC, and on***

the enforcement of those provisions, in Directive 2014/67/EU, apply to road transport sector under the terms of this Directive.

Or. pt

Amendment 99
Karima Delli, Bas Eickhout

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to *establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.*

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to *fundamentally step up enforcement.*

Or. en

Amendment 100
Rolandas Paksas

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the

freedom to provide cross-border services for operators.

freedom to provide cross-border services for operators. ***The posting rules specific to road transport are laid down solely by this Directive. The provisions of Directive 96/71/EC and Directive 2014/67/EU do not apply.***

Or. It

Amendment 101

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

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the **highly** mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators ***as well as the need to ensure fair competition between companies in the sector.***

Or. fr

Amendment 102

Dieter-Lebrecht Koch, Thomas Mann

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is

necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators, ***and ensuring fair competition.***

Or. de

Amendment 103

Georges Bach

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC ***and fair competition*** in the road transport sector, it is necessary to establish sector-specific rules reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the social protection of drivers and the freedom to provide cross-border services for operators.

Or. en

Amendment 104

Marian-Jean Marinescu

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules

Amendment

(11) In order to ensure the effective and proportionate implementation of Directive 96/71/EC in the road transport sector, it is necessary to establish sector-specific rules

reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the *social protection* of drivers and the freedom to provide cross-border services for operators.

reflecting the particularity of the highly mobile workforce in the road transport sector and providing a balance between the *working conditions* of drivers and the freedom to provide cross-border services for operators.

Or. en

Amendment 105

Richard Sulík, Martina Dlabajová

Proposal for a directive

Recital 12

Text proposed by the Commission

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

deleted

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

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

access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. en

Amendment 106
Karima Delli, Bas Eickhout

Proposal for a directive
Recital 12

Text proposed by the Commission

Amendment

(12) *Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.*

deleted

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

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

Amendment 107
Rolandas Paksas

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) *Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.*

Amendment

(12) The minimum rate of pay and the minimum annual paid holidays of the host Member State *should not apply to transit and international transport operations, given the need to ensure the free movement of goods and services and the functioning of the single transport market.*

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

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

Amendment 108
Claudia Tapardel

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. ***Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.***

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. ***Consequently, international transport operations and cabotage operations linked to it, as well as transit operations, should not be subject to Directives 96/71/EC and 2014/67/EU, if carried out in a clearly-defined time threshold.***

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

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

Amendment 109
Marian-Jean Marinescu

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply *in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.*

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

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

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply. International *carriage and* operation *to return to the* Member State *of establishment* should *not be subject to this Directive.*

Amendment 110

Daniela Aiuto, Rosa D'Amato

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) ***Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore a time-limit should be established, beyond which*** the minimum rate of pay and the minimum annual paid holidays of the host Member State ***shall*** apply ***in case of*** international transport operations. ***This time threshold should not apply to*** cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ ***since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to*** cabotage irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Amendment

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

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

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

Or. it

Amendment 111
Michael Detjen

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link *of a driver with a territory of a host Member State*. Therefore, *a time threshold* should be established, *beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.*

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

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

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link *between the transport operation and the Member State of employment of the driver*. Therefore, *it* should be established *that only international carriage operations beginning and ending in the Member State of employment should be exempt from the application of points (b) and (c) of Directive 96/71/EC. All other international carriage operations and cabotage operations as defined by Regulation (EC) No 1072/2009 should be covered by points point (b) and (c) of Directive 96/71/EC. In order to avoid unnecessary administrative burdens only one host Member State should be pointed out for each individual operation. The individual operation begins and ends with the loading of goods. Unloading does not end the individual operation and as a consequence the individual operation comprises unladen journeys as defined by Regulation (EC) No 1072/2009. In order to point out only one host Member State for each operation the decisive criteria is the place for unloading – the principle of next destination.*

Amendment 112
Francisco Assis

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) *Such balanced criteria* should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply *in case of international transport operations. This time threshold should not apply* to cabotage operations *as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.*

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

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

Amendment

(12) *The balance between promoting the social rights of workers in the road haulage transport sector and the pursuit of freedom of movement of people and goods* should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply to cabotage operations.

Amendment 113

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Jens Nilsson, Lucy Anderson, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) *Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to* cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ *since the entire* transport operation is taking place in *a host* Member State. As a consequence the minimum rate of *pay* and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations *carried out* by a driver.

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

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

Amendment

(12) Cabotage operations as defined by Regulations (EC) No 1072/2009¹⁸ and 1073/2009¹⁹ *are service provisions which are covered by Directive 96/71/EC as the* transport operation is *entirely* taking place in *another* Member State. As a consequence the minimum rate of *remuneration* and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations *carried out* by a driver.

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

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

Amendment 114**Jens Rohde, Pavel Telička****Proposal for a directive****Recital 12***Text proposed by the Commission*

(12) Such balanced criteria should be based on a concept of a sufficient link *of a driver with a territory of a host* Member State. Therefore, *a time threshold* should be established, *beyond which the minimum rate of pay and the minimum annual paid holidays of the host* Member State *shall apply in case of* international transport operations. *This time threshold should not apply to* cabotage operations as defined by *Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the* host Member State should *apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.*

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link *between the transport operation and the* Member State *of employment of the driver*. Therefore, *it* should be established *that only international carriage operations beginning and ending in the* Member State *of employment should be exempt from the application of points (b) and (c) of Directive 96/71 EC. All other* international carriage operations *and* cabotage operations as defined by *Regulation (EC) No 1072/2009 should be covered by points (b) and (c) of Directive 96/71 EC. In order to avoid unnecessary administrative burdens only one* host Member State should *be pointed out for each individual operation. The individual operation should begin and end with the loading of goods. Unloading should not end the individual operation and as a consequence the individual operation should comprise unladen journeys as defined by Regulation (EC) No 1072/2009. In order to point out only one* host Member State *for each operation the decisive criterion is the place of unloading.*

¹⁸ *Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage*

market (OJ L 300, 14.11.2009, p. 72).

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

Or. en

Amendment 115
Inés Ayala Sender

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. ***This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.***

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

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in ***the*** case of international transport ***and cabotage*** operations. ***However, these requirements shall in no event apply to transit operations where no provision of services, loading or unloading is made.***

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

Or. es

Amendment 116
Luis de Grandes Pascual

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should *not* apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ ***since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.***

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

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should ***also apply, by analogy with the general rules on posting of workers,*** to cabotage operations as defined by Regulations (EC) No 1072/2009¹⁸ and (EC) No 1073/2009¹⁹.

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

¹⁹ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of

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

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

Or. es

Amendment 117
Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. ***This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence*** the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage ***irrespective of the frequency and duration of the operations carried out by a driver.***

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

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

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. The minimum rate of pay and the minimum annual paid holidays of the host Member State should ***also*** apply to cabotage ***beyond the time thresholds established in this Directive.***

coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88)

Or. pt

Amendment 118

Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, ***a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.***

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, ***transit and*** international transport operations ***where both the driver and the vehicle return to the*** Member State ***of establishment should not be subject to Directive 96/71/EC. There is no direct competition with national companies in case of transit and international transport and there is a clear link of the driver to the*** Member State ***of establishment of the company, therefore Directive 96/71/EC is inapplicable in such cases.***

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

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

Amendment 119

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

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on *a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations.* This *time threshold* should *not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence* the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Amendment

(12) Such balanced criteria should be based on *the simple, readily understood concept of the link between a driver and the territory of a host Member State.* This *link* should *be characterised by at least one commercial loading or unloading operation taking place in the host Member State. Furthermore,* the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to *international transport and cabotage operations as defined by Regulations (EC) No 1072/2009¹⁸ and (EC) No 1073/2009¹⁹,* irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Amendment 120
Georges Bach

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a *sufficient link* of a driver *with a* territory of a host Member State. *Therefore, a time threshold* should be *established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a* host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Amendment

(12) Such balanced criteria should be based on a *simple, readily understood* concept of a *link between* a driver *and the* territory of a host Member State. *This link* should be *characterized by at least one commercial loading or unloading operation on the territory of the* host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to *international transport and cabotage operations as defined by Regulations (EC) No 1072/2009¹⁸ and 1073/2009¹⁹ and* irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Amendment 121
Marie-Christine Arnautu

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay **and** the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay, **allowances**, the minimum annual paid holidays, **the maximum working hours and all other social provisions** of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Amendment 122
Markus Ferber

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ ***or to initial and/or final road haulage legs which form an integral part of combined transport operations under Article 4 of Directive 92/106/EEC*** since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Or. de

Amendment 123

Andor Deli,  K, Andrey Novakov, Deirdre Clune

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. ***Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.***

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

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

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. ***Transit and international transport operations as defined by Regulations (EC) No 1072/2009¹⁸ and 1073/2009¹⁹ should not be subject to Directive 96/71/EC and Directive 2014/67/EU as companies cannot exercise the free movement of goods in other way than crossing borders of Member States, and therefore there is no direct competition with national companies in the case of transit and international transport operations and there is a clear link of the driver to the Member State of establishment of the company.***

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

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

Or. en

Justification

Posting of Workers Directive is not suitable for the international road transport sector for its highly mobile and transnational character. Moreover, applying it would cause high administrative burden and enforcement difficulties. The application of the PWD to international transport might result in the increase of self-employed drivers that do not need to comply with the rules on minimum wages and minimum paid holidays. It could also result in overtaking of the market by third-country transport operators.

Amendment 124

Claudia Schmidt, Herbert Dorfmann

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, transit and international transport operations where both the driver and the vehicle return to the Member State of establishment should not be subject to Directive 96/71/EC. There is no direct competition with national companies in the case of transit and international transport and there is a clear link of the driver to the Member State of establishment of the company, therefore the Directive 96/71/EC is inapplicable in such cases.

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

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

access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p.88).

Or. de

Amendment 125

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Janusz Lewandowski

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, ***a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of*** international transport operations. ***This time*** threshold should ***not*** apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespective of the frequency ***and duration of the*** operations carried out by a driver.

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

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

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. Therefore, international transport operations ***should not be subject to Directives 96/71/EC 2014/67/EU. A seven day*** threshold should apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply ***from day seven*** to cabotage irrespective of the frequency ***of*** operations carried out by a driver.

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

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

Justification

Because of its highly mobile character, international transport operations should not be subject to Posting of Workers Directive. Moreover, transport companies, due to an insufficient link with the host Member State do not constitute a direct competition with national companies. Cabotage, since the entire operation is taking place in a host Member State should be covered by Posting of Workers Directive from day seven irrespectively of the frequency of operations.

Amendment 126

Dieter-Lebrecht Koch, Thomas Mann

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State. **Therefore**, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespectively of the frequency and duration of the operations carried out by a driver.

¹⁸Regulation (EC) No 1072/2009 of the

Amendment

(12) Such balanced criteria should be based on a concept of a sufficient link of a driver with a territory of a host Member State; **transit journeys are therefore excluded from the scope of this directive.** **Furthermore**, a time threshold should be established, beyond which the minimum rate of pay and the minimum annual paid holidays of the host Member State shall apply in case of international transport operations. This time threshold should not apply to cabotage operations as defined by Regulations 1072/2009¹⁸ and 1073/2009¹⁹ since the entire transport operation is taking place in a host Member State. As a consequence the minimum rate of pay and the minimum annual paid holidays of the host Member State should apply to cabotage irrespectively of the frequency and duration of the operations carried out by a driver.

¹⁸ Regulation (EC) No 1072/2009 of the

European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

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

European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

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

Or. de

Amendment 127
Maria Grapini

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) With a view to ensuring greater efficiency on the EU road transport market and facilitating exercise of the freedom to provide road transport services based on fair competition between all national operators, and taking account of the highly mobile nature of work in the international road transport sector, which places outlying EU Member States at a disadvantage, for a monthly salary to be paid in another Member State, the total time worked in that Member State must be over 50 % of the total number of working days in the month.

Or. ro

Amendment 128
Claudia Schmidt

Proposal for a directive
Recital 12 a (new)

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Text proposed by the Commission

Amendment

(12a) Directive 96/71/EC should apply to cabotage operations defined by Regulations (EC) No 1072/2009^{1a} and (EC) No 1073/2009^{1b}, since the entire transport operation is taking place in a host Member State and there is a direct competition with local undertakings. As a consequence Directive 96/71/EC should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

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

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

Or. de

Amendment 129

Richard Sulík, Martina Dlabajová

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Member States should only apply points (b) and (c) of the first subparagraph of Article 3 (1) to road cabotage as defined by Regulations (EC) No 1072/2009 and 1073/2009 since the entire transport operation is taking place in a host Member State. As a

operations of less than 100 km carried out in certain border regions of the Member States must also be excluded from the scope of application of Directive 96/71/EC. Changes in legislation on the posting of workers cannot be allowed to undermine the economic and social integration achieved in certain regions.

Or. es

Amendment 132

Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The Directive 96/71/EC should apply to cabotage operations as defined by Regulations (EC) No 1072/2009 and 1073/2009 since the entire transport operation is taking place in a host Member State and there is a direct competition with local undertakings. As a consequence Directive 96/71/EC should apply to cabotage irrespective of the frequency and duration of the operations carried out by a driver.

Or. en

Amendment 133

Pavel Svoboda

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Since there is no sufficient link of a driver with a territory of a Member State of transit, transit operations should not be

*considered as posting situations.
Furthermore, when a driver and the vehicle returns regularly back to the Member State of establishment of the transport operator, the economic link would predominantly be with the Member State of establishment of the transport operator.*

Or. en

Amendment 134

Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Danuta Jazłowiecka, Janusz Lewandowski

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Due to the absence of a sufficient link of a driver with a territory of a host Member State, transit operations should not be subject to this Directive, Directive 96/71/EC and Directive 2014/67/EU.

Or. en

Justification

While passing through several countries before reaching the final destination, transport companies do not enter into direct competition with local transport entities, therefore there is no need to apply posting of workers directive to transit operations.

Amendment 135

Richard Sulík, Martina Dlabajová

Proposal for a directive

Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) The application and enforcement of the provisions on posting of workers in the cases of transit would generate high

Justification

The existing IMI system could be further developed by the Commission in order to serve as a one-stop-shop for all information exchange between Member States and also transport entities.

Amendment 137 **Inés Ayala Sender**

Proposal for a directive **Recital 13**

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

Amendment

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph. ***With a view to minimising the complexity of the obligations laid down in this Directive and Directive 96/71, Member States should be free to impose only the administrative requirements specified in this Directive – which have been tailored to suit the road transport sector – on road transport operators.***

Or. es

Amendment 138 **Daniela Aiuto, Rosa D'Amato**

Proposal for a directive **Recital 13**

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid

Amendment

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid

disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the *digital* tachograph.

disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the *Internal Market Information System (IMI), the GNSS portal for road transport, the smart tachograph and digital driver identification systems. Suitable incentive schemes should be introduced to facilitate the development of these digital technologies.*

Or. it

Amendment 139

Elżbieta Katarzyna Łukacijewska, Danuta Jazłowiecka, Dariusz Rosati, Janusz Lewandowski

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

Amendment

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph. ***In order to ensure the effectiveness of controls, it is important to make a distinction between the checks carried out at the roadside and at the premises of the undertakings. The checks could also be carried out remotely by electronic or digital means.***

Or. en

Amendment 140

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

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, *taking full advantage of control tools such as the digital tachograph.*

Amendment

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector. ***Introducing the smart tachograph across the board as soon as possible, irrespective of the size or weight of the vehicle, is a prerequisite for effective and efficient monitoring of compliance with the rules on posting of drivers for international transport and cabotage operations.***

Or. fr

Amendment 141

Lucy Anderson, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Michael Detjen, Ismail Ertug, Jens Nilsson, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the ***sector-specific rules on posting of workers*** and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital ***tachograph***.

Amendment

(13) In order to ensure effective and efficient enforcement of the ***existing Directive 96/71/EC in all activities of road transport sector*** and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital ***and the smart tachographs, which have to be installed in all vehicles used in international transport***

on a mandatory basis, no later than the 2nd of January 2020.

Or. en

Amendment 142

Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the *digital* tachograph.

Amendment

(13) In order to ensure *targeted*, effective and efficient enforcement of the sector-specific rules on posting of workers and to avoid disproportionate administrative burdens for non-resident operators sector, *standardised forms developed by the Commission and reduced* specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools, such as the *Internal Market Information System (IMI), the GNSS portal for road transport and the smart* tachograph.

Or. en

Amendment 143

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Kathleen Van Brempt, Hugues Bayet

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of *the sector-specific rules on posting of workers* and to avoid disproportionate administrative burdens for non-resident operators sector, specific

Amendment

(13) In order to ensure effective and efficient enforcement of *Directive 96/71/EC in the transport sector* and to avoid disproportionate administrative burdens for non-resident operators sector,

administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

specific administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph, ***which has to be introduced on a mandatory basis by the 2nd of January 2020, at the latest.***

Or. en

Amendment 144
Karima Delli, Bas Eickhout

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers ***and to avoid disproportionate administrative burdens for non-resident operators sector, specific*** administrative and control requirements should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

Amendment

(13) In order to ensure effective and efficient enforcement of the sector-specific rules on posting of workers ***strong and clear*** administrative and control requirements ***in line with Directive 2014/67/EC*** should be established in the road transport sector, taking full advantage of control tools such as the digital tachograph.

Or. en

Amendment 145
Pavel Svoboda

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to adapt the Annexes of this Directive to developments in best practice, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the

Commission in respect of amending those Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁸. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 146

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to ensure a fair and level playing field for workers and business there is a need to make progress towards smart enforcement and to provide all possible support for the full introduction and use of risk-rating systems. To this end, the enforcement authorities need to be given real-time access to national electronic registers (NERs), while making maximum use of the European Register of Road Transport Undertakings (ERRU). The establishment of the European Land Transport Agency, whose main competence would be to improve the compliance culture in road transport and providing support for policymaking in the

sector at both EU and national level, would also ensure better cross-border enforcement of the EU rules applicable to road transport.

Or. en

Amendment 147
Inés Ayala Sender

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) With a view to minimising the administrative burden and document management tasks incumbent on drivers, transport operators shall provide, at the request of the competent authorities in the Member State in which the operator is based, all necessary documents, as set out in the provisions of Chapter III of Directive 96/71 on mutual assistance and cooperation between Member States.

Or. es

Amendment 148
Elżbieta Katarzyna Łukacijewska, Dariusz Rosati, Danuta Jazłowiecka, Janusz Lewandowski

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to facilitate the implementation, application and enforcement of this Directive, the internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 should be used in Member States for the enhanced exchange of

information between regional and local authorities across borders. It could also be an advantage to extend the features of IMI to include the submission and transmission of simple declarations.

Or. en

Amendment 149
Daniela Aiuto, Rosa D'Amato

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

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

Or. it

Amendment 150
Maria Grapini

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) It is necessary to introduce provisions showing clearly that the directive on the posting of workers does not apply to transit or temporary cabotage carried out in another Member State, where the total time worked by a driver does not exceed 16 days.

Justification

Where a haulier carries out a single cabotage operation following an international transport operation for the purposes of greater transport efficiency and avoiding empty journeys, this in temporary cabotage operation should be clearly excluded from the scope of the directive on the posting of workers.

Amendment 151

Pavel Svoboda

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to reduce administrative burden of transport operators which are often small and medium-sized enterprises, it would be appropriate to simplify the process of sending declarations on posting by transport operators through standardised forms with some pre-defined elements translated in all official languages of the Union.

Or. en

Amendment 152

Richard Sulík, Martina Dlabajová

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) A general implementation and application of the rules for the posting of workers to road transport could impact the structure of the Union road freight transport industry. Therefore, Member States and the Commission should closely monitor the impact of this process.

Amendment 153
Gesine Meissner

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) As the provisions of Directive 96/71/EC are not adapted for the highly mobile transport sector also crews working on inland waterway vessels need a special regime comparable to the road transport sector.

Or. en

Amendment 154
Inés Ayala Sender

Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) With a view to implementing the conditions and requirements for compliance with Regulation (EU) No 561/2006, Regulation (EU) No 165/2014 and Directive 2006/15 in a more efficient and uniform manner, and to facilitating road transport operators' compliance with and implementation of administrative requirements on the posting of drivers, the Commission should develop the IMI system along these lines (setting up a parallel public interface to which operators can access to send posting declarations) and harmonise and unify information in the national registers of transport undertakings and activities so as to ensure the proper functioning of the ERRU system. These information and

data exchange systems must be up and running as soon as possible; within no more than two years under normal circumstances.

Or. es

Amendment 155
Richard Sulík, Martina Dlabajová

Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Enforcement should concentrate on inspections at the premises of the undertakings. Roadside checks should not be excluded but should be undertaken in a non-discriminatory manner only for consignment notes or their electronic versions, confirmations of the pre-registration and attestation for return to country of operator's establishment or driver's residence. Roadside checks should control in the first place tachographs data which is important to determine the activity of a driver and vehicle over a four-week rolling period and the geographical coverage of this activity. The recording of the country code can help.

Or. en

Amendment 156
Maria Grapini

Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) In order to ensure effective,

efficient and rapid inspection, it should be remembered that roadside checks can considerably increase goods delivery times, which is prejudicial to hauliers, and that it would therefore instead be preferable to carry out checks at the haulier's premises and also, as a further option, allow the haulier a period of 14 days within which to produce the requisite documentation for inspection purposes.

Or. ro

Amendment 157
Daniela Aiuto, Rosa D'Amato

Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

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

Or. it

Amendment 158
Richard Sulík, Martina Dlabajová

Proposal for a directive
Recital 13 c (new)

Text proposed by the Commission

Amendment

(13c) The impact of the application and the enforcement of the rules for the posting of workers on the road transport industry should be repeatedly evaluated by the Commission and reported to the Parliament and the Council, and proposals should be made to further

simplify them and reduce the administrative burden.

Or. en

Amendment 159
Inés Ayala Sender

Proposal for a directive
Recital 13 c (new)

Text proposed by the Commission

Amendment

(13c) In this connection, provision should be made for a system of sanctions to penalise both authorities and transport operators in the event of non-cooperation via the Internal Market Information System (IMI) and the European Register of Road Transport Undertakings (ERRU).

Or. es

Amendment 160
Inés Ayala Sender

Proposal for a directive
Recital 13 d (new)

Text proposed by the Commission

Amendment

(13d) In recognition of the need for specific treatment for the transport sector, in which movement is the very essence of the work undertaken by drivers, the application of Directive 96/71/EU to the road transport sector must coincide with the date of entry into force of the amendment of Directive 2006/22/EC as regards enforcement requirements, and specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector.

Amendment 161
Inés Ayala Sender

Proposal for a directive
Recital 13 e (new)

Text proposed by the Commission

Amendment

(13e) In order to ensure effective, harmonised and non-discriminatory implementation, as well as a permanent assessment of the provisions of this Directive, provision should be made for the creation of a European land transport body (agency or other), which would include road safety. That body would be responsible for surveillance and the adoption of measures to ensure the smooth functioning of the internal road transport market and compliance with the measures laid down in this Directive, and improving road safety.

Or. es

Amendment 162
Merja Kyllönen

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) To effectively monitor the social rules and to tackle unfair practices in the road transport sector, Member States should use the advantage to combine the road side checks and checks at the premises of undertakings of Regulations 561/2006/EU and 165/2014/EU and Directive 2002/15/EC with Directives 96/71/EC and 2014/67/EU respectively.

Or. en

Justification

To encourage Member States authorities to carry out combined checks with different social legislation e.g. driving and rest times and posting of workers.

Amendment 163

Merja Kyllönen

Proposal for a directive

Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) Rules to safeguard good social conditions across the European road haulage market should be respected by all partners in the supply chain. In order to create an economically and socially sustainable European internal market, a chain of responsibility that covers all actors in the logistical chain should be established and implemented. Enforcing transparency and liability and increasing social and economic equality will increase the attractiveness of the driver as a profession and promote healthy competition.

Or. en

Amendment 164

Isabella De Monte, David-Maria Sassoli, Nicola Caputo

Proposal for a directive

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

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

-a In Article 2 (1), the first subparagraph is replaced by the following:

Member States shall organise a system of

appropriate and regular checks on correct and consistent implementation, as referred to in Article 1, both at the roadside and at premises of undertakings of all transport categories. Member States shall organise roadside checks of the implementation of Directive 2002/15 /EC only once the technology to enable those checks to be effective has been introduced.

Or. it

Justification

Currently, roadside checks of working time according to Directive 2006/22/EC cannot be carried out effectively.

Amendment 165

Elżbieta Katarzyna Łukacijewska, Danuta Jazłowiecka, Dariusz Rosati, Janusz Lewandowski

Proposal for a directive

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

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 1

Present text

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

Amendment

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

*"1. Member States shall organise a system of appropriate and regular checks on correct and consistent implementation, as referred to in Article 1, both at the roadside and at premises of undertakings of all transport categories. **In particular, checks of compliance with the provisions of Directive 2002/15/EC shall be limited to checks at the premises of undertakings or to remote checks by electronic or digital means.**"*

Or. en

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

Text proposed by the Commission

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

Amendment

These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling *within* the scope of Directive 2002/15/EC. ***Checks on compliance with the provisions set out in Directive 2002/15/EC shall be carried out exclusively on the premises of transport undertakings.***

Or. es

Amendment 168
Dieter-Lebrecht Koch, Thomas Mann

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

Text proposed by the Commission

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

Amendment

"These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling *within* the scope of Directive 2002/15/EC; ***measures shall be taken to verify compliance with the rules in accordance with Directive 2002/15/EC on the premises of undertakings.***"

Or. de

Amendment 169

Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 170

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 171

Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 172

Pavel Svoboda

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 173

Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b

Directive 2006/22/EC

Article 2 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006, Regulation (EU)165/2014 and Directive 2002/15/EC are checked;
following roadside checks and where the driver is not in capacity to submit one or more of the required documents, the drivers shall be released to continue their transport operation and the transport operator in the Member State of establishment is obliged to submit the required documents via competent authorities. Member States shall focus especially on structurally and repeatedly non-compliant hauliers.

Or. en

Amendment 174

Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zīle, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b

Directive 2006/22/EC

Article 2 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No

Amendment

Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No

561/2006, Regulation (EU)165/2014 *and*
Directive 2002/15/EC are checked.

561/2006 *and* Regulation (EU)165/2014
are checked.

Or. en

Amendment 175

Andor Deli, Ádám Kósa, Andrey Novakov, Deirdre Clune

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point c

Directive 2006/22/EC

Article 2 – paragraph 4

Text proposed by the Commission

4. The information submitted to the Commission in accordance with Article 17 of Regulation (EC) No 561/2006 shall include the number of drivers checked at the roadside, the number of checks at the premises of undertakings, the number of working days checked and the number and type of infringements reported, together with a record of whether passengers or goods were transported.

Amendment

4. The information submitted to the Commission in accordance with Article 17 of Regulation (EC) No 561/2006 shall include the number of drivers checked at the roadside, the number of checks at the premises of undertakings, the number of working days checked *at the premises* and the number and type of infringements reported, together with a record of whether passengers or goods were transported.

Or. en

Justification

Working time checks need to be excluded from roadside checks and can be done solely at the premises of companies by competent national authorities.

Amendment 176

Pavel Svoboda

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point c

Directive 2006/22/EC

Article 2 – paragraph 4

Text proposed by the Commission

4. The information submitted to the Commission in accordance with Article 17

Amendment

4. The information submitted to the Commission in accordance with Article 17

of Regulation (EC) No 561/2006 shall include the number of drivers checked at the roadside, the number of checks at the premises of undertakings, the number of working days checked and the number and type of infringements reported, together with a record of whether passengers or goods were transported.

of Regulation (EC) No 561/2006 shall include the number of drivers checked at the roadside, the number of checks at the premises of undertakings, the number of working days checked *at premises* and the number and type of infringements reported, together with a record of whether passengers or goods were transported.

Or. en

Amendment 177

Lucy Anderson, Nicola Caputo, Theresa Griffin

Proposal for a directive

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

Directive 2006/22/EC

Article 5

Present text

Article 5

Concerted checks

Member States shall, at least six times per year, undertake concerted roadside checks on drivers and vehicles falling within the scope of Regulations (*EEC*) No 3820/85 and (*EEC*) No 3821/85. Such checks shall be undertaken at the same time by the enforcement authorities of two or more Member States, each operating in its own territory.

Amendment

"Article 5 is replaced by the following:

Article 5

Concerted checks

Member States shall, at least six times per year, undertake concerted roadside checks on drivers and vehicles falling within the scope of Regulations (*EC*) No 561/2006 or (*EC*) No 165/2014. Such checks shall be undertaken at the same time by the enforcement authorities of two or more Member States, each operating in its own territory."

Or. en

Amendment 178

Marian-Jean Marinescu

Proposal for a directive

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

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 1

Present text

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

Amendment

(3a) in paragraph 1, the first subparagraph is replaced by following:

"1. Member States shall organise a system of appropriate and regular checks on correct and consistent implementation, as referred to in Article 1, both at the roadside and at premises of undertakings of all transport categories. **Member States shall organise roadside checks of the implementation of Directive 2002/15 provided that the technology exists to enable those checks to be effective. The Commission shall, by means of implementing acts, establish a common set of conditions to be fulfilled to allow the authorities of a Member State to organise such checks. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.**"

Or. en

Amendment 179

Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a directive

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

Directive 2006/22/EC

Article 2 – paragraph 1 – subparagraph 1

Present text

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

Amendment

(3a) in paragraph 1, the first subparagraph is replaced by the following

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

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0022&from=PL>)

Amendment 180

Inés Ayala Sender

Proposal for a directive

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

Directive 2006/22/EC

Article 5

Present text

Article 5

Amendment

(3a) Article 5 is replaced by the following:

"Member States shall, at least six times per year, undertake concerted roadside checks **and checks in undertakings** on drivers and vehicles falling within the scope of Regulations (EC) Nos 561/2006 and 165/2014. Such checks shall be undertaken at the same time by the enforcement authorities of two or more Member States, each operating in its own territory. **The results of these concerted checks, both in undertakings and at the roadside, shall be**

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 183

Richard Sulík, Martina Dlabajová

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2006/22/EC

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. ***Member States shall not undertake controls made according to Directive 2002/15/EC at the roadsides.*** They shall also be carried out if serious infringements of Regulation (EU) No 165/2014 have been detected at the roadside;

Or. en

Amendment 184

Rolandas Paksas

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Checks at premises firstly should be applicable to the companies with non-compliant behaviour.

Amendment 185
Dieter-Lebrecht Koch, Thomas Mann

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

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 186

Martina Dlabajová, Matthijs van Miltenburg

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2002/15/EC

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 187

Inés Ayala Sender

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2006/22/EC

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. es

Amendment 188

Pavel Svoboda

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2006/22/EC

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 189

Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2006/22/EC

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 190

Inés Ayala Sender

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

Text proposed by the Commission

(d) to ensure exchange of information with the other Member States ***with regard to the application of national provisions transposing this Directive and Directive 2002/15/EC.***

Amendment

(d) to ensure exchange of information with the other Member States ***in accordance with Article 8.***

Or. es

Amendment 191
Izaskun Bilbao Barandica

Proposal for a directive
Article 1 – paragraph 1 – point 5 a (new)
Directive 2006/22/EC
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(5a) In Article 7 the following paragraph 3d is added:

‘By 2025 at the latest, a European Road Agency shall be established which will be responsible for managing the European one-stop shop for prior declarations of posting and ensuring coordination and harmonised application of the rules.’

Or. es

Amendment 192
Izaskun Bilbao Barandica, Pavel Telička

Proposal for a directive
Article 1 – paragraph 1 – point 5 b (new)
Directive 2006/22/EC
Article 7 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(5b) In Article 7 the following paragraph 3b is added:

‘By 2022 at the latest, the Commission shall introduce a single standardised model for posting declarations.’

Or. es

Amendment 193

Izaskun Bilbao Barandica

Proposal for a directive

Article 1 – paragraph 1 – point 5 c (new)

Directive 2006/22/EC

Article 7 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

(5c) In Article 7 the following paragraph 3c is added:

‘By 2030 at the latest, operators shall make prior notifications of posting through the European one-stop shop.’

Or. es

Amendment 194

Izaskun Bilbao Barandica, Pavel Telička

Proposal for a directive

Article 1 – paragraph 1 – point 5 d (new)

Directive 2006/22/EC

Article 7 – paragraph 3 d (new)

Text proposed by the Commission

Amendment

(5d) In Article 7 the following paragraph 3d is added:

‘Until the European one-stop shop is brought into operation, transport

undertakings shall register prior declarations of posting with the competent agencies or authorities in the Member States using the procedure laid down by the Commission.'

Or. es

Amendment 195

Lucy Anderson, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2006/22/EC

Article 8 – paragraph 1 – point (b)

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 196

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Kathleen Van Brempt, Hugues Bayet

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2006/22/EC

Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

Necessary in order to maintain the current situation as it stands

Amendment 197

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

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

Directive 2006/22/EC

Article 8 – paragraph 1 – introductory part

Present text

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

Amendment

(aa) in paragraph 1, the introductory part is replaced by the following:

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

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1518624583507&uri=CELEX:32006L0022>)

Amendment 198

Lucy Anderson, Nicola Caputo, Theresa Griffin

Proposal for a directive

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

Directive 2006/22/EC

Article 8 – paragraph 1 – introductory part

Present text

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

Amendment

(aa) in paragraph 1, the introductory part is replaced by the following:

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

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0022&from=EN>)

Amendment 199

Marian-Jean Marinescu

Proposal for a directive

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

Directive 2006/22/EC

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph 2a is added:

2a. The Commission shall, by means of implementing acts, lay out the conditions to establish under the Internal Market Information System (IMI) a digital platform to provide real time exchange of information between undertakings and competent control authorities and allowing verification without administrative or driver input. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

Amendment 200

Andor Deli, Ádám Kósa, Andrey Novakov, Deirdre Clune

Proposal for a directive

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

Directive 2006/22/EC

Article 8 – paragraph 2

Present text

Amendment

(ba) paragraph 2 is replaced by the following

2. *Member States shall seek to establish systems for the electronic exchange of information. In accordance with the procedure referred to in Article 12(2), the Commission shall define a common methodology for effective information exchange.*

"2. *The Internal Market Information System (IMI), established by Regulation No 1024/2012 should be used for exchange of information between Member States, while access should also be granted to operators of transport companies to upload and update all relevant documents, including the declaration, to the IMI system.*"

Or. en

(http://eur-lex.europa.eu/resource.html?uri=cellar:1e51f726-b0a9-4887-8fb3-7956a4f49223.0005.02/DOC_1&format=PDF)

Justification

In order to ensure effective and efficient enforcement of rules as well as to lower the administrative burden a new public interface of the existing IMI system should be used for the exchange of information between Member States. Operators of transport companies should have access to this system to upload and update documents.

Amendment 201 **Marian-Jean Marinescu**

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b b (new)
Directive 2006/22/EC
Article 8 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(bb) the following paragraph 2b is added:

2b. The Commission shall, by means of implementing acts, lay down detailed provisions to establish a single common digital platform to include all systems of electronic exchange of information between Member States, competent authorities, enforcement authorities and undertakings and allowing verification without administrative or driver input.

Or. en

Amendment 202
Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b c (new)
Directive 2006/22/EC
Article 8 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

(bc) the following paragraph 2c is added:

2c. The Commission shall, by means of implementing acts, lay down detailed provisions to establish in each Member State a single national authority to be responsible for the implementation and the exchange of information, through the digital platform mentioned in paragraph 2b, requested by Union legislation regarding road transport.

Or. en

Amendment 203
Inés Ayala Sender

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

Text proposed by the Commission

Amendment

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

In the event that the information required is not available through consultation of the IMI or ERRU, Member States shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within 25 working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually

consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Or. es

Amendment 204

Izaskun Bilbao Barandica, Pavel Telička

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

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

Amendment

Member *States* shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within *ten* working days from the receipt of the request. In cases requiring in-depth examination or involving checks at premises of the undertakings concerned, ***reasons shall be given to justify this circumstance and the time limit shall be 20 days***. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Or. es

Amendment 205

Lucy Anderson, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

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

Amendment

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within **10** working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Or. en

Amendment 206

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Kathleen Van Brempt, Jens Nilsson, Hugues Bayet

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

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

Amendment

Member State shall **provide** the information requested by other Member States pursuant to paragraph 1(b) of this Article within **5** working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment 207

Richard Sulík, Martina Dlabajová

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 1

Text proposed by the Commission

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

Amendment

Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within **10** working days from the receipt of the request in cases requiring in-depth examination or involving checks at premises of the undertakings concerned. A shorter time limit may be mutually agreed between the Member States. In urgent cases or cases requiring simple consultation of registers, such as of a risk rating system, the requested information shall be submitted within three working days.

Amendment 208

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Jens Nilsson, Hugues Bayet, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 2

Text proposed by the Commission

Where the requested Member State considers that the request is *insufficiently reasoned*, it shall inform the requesting Member State accordingly within **10**

Amendment

Where the requested Member State considers that the request is *insufficient*, it shall inform the requesting Member State accordingly within **5** working days. The

working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.

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

Or. en

Amendment 209

Izaskun Bilbao Barandica, Pavel Telička

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 2

Text proposed by the Commission

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

Amendment

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly, *giving the reasons*, within *five* working days. The requesting Member State shall substantiate the request *within five days*. *If this deadline is not met*, the request may be rejected by the Member State. *If the information is received, the requested Member State shall resolve it within ten days*.

Or. es

Amendment 210

Lucy Anderson, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Michael Detjen, Ismail Ertug, Hugues Bayet, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1 a – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 211
Francisco Assis

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1a – subparagraph 2

Text proposed by the Commission

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

Amendment

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within **12** working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.

Or. pt

Amendment 212
Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zīle, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

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

Article 8 – paragraph 1 a – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 213

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Kathleen Van Brempt, Hugues Bayet

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 3

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 214

Lucy Anderson, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Hugues Bayet, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1 a – subparagraph 3

Text proposed by the Commission

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

Amendment

Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Member State in question shall inform the requesting Member State accordingly within ***five*** working days, giving reasons.

Or. en

Amendment 215
Izaskun Bilbao Barandica, Pavel Telička

Proposal for a directive
Article 1 – paragraph 1 – point 6 – point b
Directive 2006/22/EC
Article 8 – paragraph 1 a – subparagraph 3

Text proposed by the Commission

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

Amendment

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

Or. es

Amendment 216
Izaskun Bilbao Barandica, Pavel Telička

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b (new)

Directive 2006/22/EC

Article 8 – paragraph 1 a – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

In the event that the difficulties continue, the Commission, after being informed, may take the necessary measures to resolve the situation, investigate the matter, issue a recommendation or start infringement proceedings.

Or. es

Amendment 217

Inés Ayala Sender

Proposal for a directive

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

Directive 2006/22/EC

Article 8– paragraph 2

Present text

Amendment

2. Member States *shall seek to establish* systems for the *electronic* exchange of information. *In accordance with the procedure referred to in Article 12(2), the Commission shall define a common methodology for effective information exchange.*

(ba) Paragraph 2 is replaced by the following:

‘2. The mandatory exchange of information between Member States laid down in this article will gain in effectiveness and efficiency by strengthening and harmonising the establishment and use of the following systems for the exchange of information:

– the European Register of Road Transport Undertakings (ERRU), with a legal basis in Article 16(5) of Regulation (EC) No 1071/2009, through which an interconnection is established between the national registers of transport undertakings (NER) and activities in each Member State, making it possible to exchange information on operators

contained in these national databases in an effective and harmonised manner;

– the Internal Market Information System (IMI), with a legal basis in Regulation (EU) No 1034/2012, through which the Member States will be able to establish administrative cooperation and exchange data and information with regard to the enforcement of the rules. Similarly, with the objective of using IMI for the sending and updating of posting declarations between transport operators and the competent authorities of the receiving Member States, it will be necessary to develop a parallel public interface within the IMI system to which transport operators will have access.

With the objective of verifying the correct application of and compliance with this Directive, inspectors responsible for roadside checks will have direct real-time access, via an electronic application common to all the EU Member States, both to the system interconnecting national registers of transport undertakings and activities, ERRU, and to information on the driver's posting declaration through the Internal Market Information System (IMI).

In this context, the Commission is called upon to develop this electronic application that will provide direct real-time access to the ERRU and IMI during roadside checks as soon as possible.'

Or. es

(http://eur-lex.europa.eu/resource.html?uri=cellar:1e51f726-b0a9-4887-8fb3-7956a4f49223.0006.02/DOC_1&format=PDF)

Amendment 218
Inés Ayala Sender

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point a

Directive 2006/22/EC
Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

The Commission shall, by means of implementing acts, establish a common formula for calculating a risk rating of undertakings, which shall take into account the number, severity and frequency of occurrence of infringements as well as the results of controls where no infringement has been detected. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

Or. es

Amendment 219

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a

Directive 2006/22/EC

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

The Commission shall, by means of implementing acts, establish a common formula for calculating a risk rating of undertakings, which shall take into account the number, severity and frequency of occurrence of infringements as well as the results of controls where no infringement has been detected. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

Or. en

Amendment 220

Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zīle, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a

Directive 2006/22/EC

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 221

Inés Ayala Sender

Proposal for a directive

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

Directive 2006/22/EC

Article 9 – paragraph 1 – subparagraph 2 a (new)

(aa) Member States shall incorporate their risk rating systems (RRS) into their national registers of transport undertakings and activities (NER). In this way, the exchange of information and data on transport operators, infringements and risk rating will be concentrated and carried out through the interconnection that ERRU provides between the different national registers in the Member States.

Or. es

Amendment 222

Pavel Svoboda

Proposal for a directive

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

Directive 2006/22/EC

Article 9 – paragraph 3

Present text

An initial list of infringements of Regulation **(EEC) No 3820/85 and (EEC) No 3821/85** is set out in Annex III. With a view to giving guidelines on the weighting of infringements of **Regulations (EEC) No 3820/85 and (EEC) No 3821/85**, the Commission *may, as appropriate*, in accordance with *the procedure referred to in Article 12(2)*, *adapt* Annex III with a view to establishing guidelines on a common range of infringements, divided into categories according to their gravity. The category for the most serious infringements should include those where failure to comply with the relevant provisions of **Regulations (EEC) No 3820/85 and (EEC) No 3821/85** create a serious risk of death or serious personal

Amendment

(ba) paragraph 3 is replaced by the following:

"An initial list of infringements of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014 is set out in Annex III. With a view to giving guidelines on the weighting of infringements of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014, the Commission is empowered to adopt delegated acts in accordance with Article 15a amending Annex III with a view to establishing guidelines on a common range of infringements, divided into categories according to their gravity. The category for the most serious infringements should include those where failure to comply with the relevant provisions of Regulation (EC) No 561/2006 and Regulation (EU) No

injury.

165/2014 create a serious risk of death or serious personal injury."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02006L0022-20170101&qid=1519206490721&from=EN>)

Justification

In line with Article 290 of the Lisbon Treaty amendments to Annex III of Directive 2006/22/EC should be done through delegated acts.

Amendment 223

Lucy Anderson, Nicola Caputo, Theresa Griffin

Proposal for a directive

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

Directive 2006/22/EC

Article 9 – paragraph 3

Present text

3. An initial list of infringements of Regulation (*EEC*) No 3820/85 and (*EEC*) No 3821/85 is set out in Annex III.

With a view to giving guidelines on the weighting of infringements of **Regulations (EEC) No 3820/85 and (EEC) No 3821/85**, the Commission may, as appropriate, in accordance with the procedure referred to in Article 12(2), adapt Annex III with a view to establishing guidelines on a common range of infringements, divided into categories according to their gravity.

The category for the most serious infringements should include those where failure to comply with the relevant provisions of **Regulations (EEC) No 3820/85 and (EEC) No 3821/85** create a serious risk of death or serious personal injury.

Amendment

(ba) paragraph 3 is replaced by the following:

"3. An initial list of infringements of Regulation (*EC*) No 561/2006 and (*EU*) No 165/2014 is set out in Annex III.

With a view to giving guidelines on the weighting of infringements of **Regulation (EC) No 561/2006 or (EU) No 165/2014**, the Commission may, as appropriate, in accordance with the procedure referred to in Article 12(2), adapt Annex III with a view to establishing guidelines on a common range of infringements, divided into categories according to their gravity.

The category for the most serious infringements should include those where failure to comply with the relevant provisions of **Regulation (EC) No 561/2006 or (EU) No 165/2014** create a serious risk of death or serious personal injury."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0022&from=EN>)

Amendment 224

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Jens Nilsson, Hugues Bayet, Theresa Griffin

Proposal for a directive

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

Directive 2006/22/EC

Article 9 – paragraph 5 a

Text proposed by the Commission

Amendment

(ca) the following paragraph 5a is added:

5a. The smart tachograph, whose data have to indicate the exact positioning of the drivers and in particular when the drivers cross the borders over the span of a 56-day period, shall be introduced on all vehicles engaged in international transport and cabotage no later than the 2nd of January 2020;

Amendment 225

Inés Ayala Sender

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2006/22/EC

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

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

4. In order to facilitate targeted roadside checks, the data contained in the national risk rating system **and the national registers of transport undertakings and activities** shall be

Member State concerned.

accessible at the time of control to all the competent control authorities of the Member State concerned, *through the electronic application common to all the EU Member States, through which they will have direct real-time access to the ERRU.*

Or. es

Amendment 226

Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive (EC) 22/2006

Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

4. In order to facilitate targeted roadside checks, the data contained in the national risk rating system shall be accessible at the time of control to all the competent control authorities of the Member State *through the digital platform mentioned at Article 8 (2a new).*

Or. en

Amendment 227

Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2006/22/EC

Article 9 – paragraph 4

Text proposed by the Commission

4. In order to facilitate targeted roadside checks, the data contained in the

Amendment

4. In order to facilitate targeted roadside checks *and provided that it is to*

national risk rating system shall be accessible at the time of control to all the competent control authorities of the Member State concerned.;

be technically feasible, the data contained in the national risk rating system shall be accessible at the time of control to all the competent control authorities of the Member State concerned.;

Or. en

Amendment 228

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2006/22/EC

Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 229

Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2006/22/EC

Article 9 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Member States shall make the information contained in the national risk rating system available *through the digital platform mentioned at Article 8 (2a new).*

Article 8.;

Or. en

Amendment 230

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2006/22/EC

Article 9 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Member States shall make the information contained in the national risk rating system directly accessible ***through the European Register for Road Transport Undertakings and*** to all competent authorities of other Member States accordance with the time limits set out in Article 8.;

Or. en

Amendment 231

Inés Ayala Sender

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2006/22/EC

Article 9 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 232

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2006/22/EC

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 233

Izaskun Bilbao Barandica, Pavel Telička

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2006/22/EC

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

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

3. The Commission shall establish a common approach to recording and controlling periods of other work, *including the form and specific cases*, as defined in point (e) of Article 4 of Regulation (EC) No 561/2006, and periods of at least one week during which a driver is away from the vehicle *and is unable to*

adopted in accordance with the examination procedure referred to in Article 12(2).

carry out any activities with that vehicle, by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Or. es

Amendment 234
Rolandas Paksas

Proposal for a directive
Article 1 – paragraph 1 – point 8 a (new)
Directive 2006/22/EC
Article 14

Present text

Once this Directive **has entered** into force, the **Community shall begin** negotiations with the relevant third countries with a view to the application of rules equivalent to those laid down in this Directive.

Amendment

(8a) Article 14 is replaced by the following:

“This Directive **shall enter** into force **only after** the **Union has completed** negotiations with the relevant third countries with a view to the application of rules equivalent to those laid down in this Directive.”

Or. It

(<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32006L0022>)

Justification

Applying the requirements to EU hauliers will not be effective until a definite way has been found to ensure that they are implemented in non-EU countries as well, without affording a competitive advantage to those countries' hauliers over firms based in the EU.

Amendment 235
Pavel Svoboda

Proposal for a directive
Article 1 – paragraph 1 – point 8 a (new)
Directive 2006/22/EC
Article 15

Present text

Amendment

Amendments to the Annexes which are necessary to adapt them to developments in best practice shall be adopted in accordance with the procedure referred to in Article 12(2).

(8a) Article 15 is replaced by the following:

"The Commission is empowered to adopt delegated acts in accordance with Article 15a amending Annexes I and II to introduce necessary adaptations to developments in best practice."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02006L0022-20170101&qid=1519206490721&from=EN>)

Justification

In line with Article 290 of the Lisbon Treaty amendments to Annexes I and II of Directive 2006/22/EC should be done through delegated acts.

Amendment 236

Lucy Anderson, Nicola Caputo, Theresa Griffin

Proposal for a directive

Article 1 – paragraph 1 – point 8 a (new)

Directive 2006/22/EC

Article 11 – paragraph 3

Present text

Amendment

3. An electronic and printable form shall be drawn up by the Commission in accordance with the procedure referred to in Article 12(2), to be used when a driver has been on sick leave or on annual leave, or when the driver has driven another vehicle exempted from the scope of Regulation (EEC) No 3820/85, during the period mentioned in **the first indent of the first subparagraph of Article 15(7)** of Regulation (EEC) No 3821/85.

"3. An electronic and printable form shall be drawn up by the Commission in accordance with the procedure referred to in Article 12(2), to be used when a driver has been on sick leave or on annual leave, or when the driver has driven another vehicle exempted from the scope of Regulation (EC) No 561/2006 during the period mentioned in **Article 26(6)** of Regulation (EU) No 165/2014."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0022&from=EN>)

Amendment 237
Pavel Svoboda

Proposal for a directive
Article 1 – paragraph 1 – point 8 b (new)
Directive 2006/22/EC
Article 15 a (new)

Text proposed by the Commission

Amendment

(8b) the following Article 15a is added:

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt delegated acts referred to in Article 9(3) and Article 15 shall be conferred on the Commission for a period of 5 years from [date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
- 3. The delegation of power referred to in Article 9(3) and Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in**

accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9(3) and Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."

Or. en

Justification

New article is needed in relation to delegated acts.

Amendment 238
Inés Ayala Sender

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point a
Directive 2006/22/EC
Annex I – Part A – point 6

Text proposed by the Commission

Amendment

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

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

Or. es

Amendment 241
Martina Dlabajová

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point a
Directive 2006/22/EC
Annex I – Part A – point 6

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

Complicated to check these conditions of Directive 2002/15 at the roadside, one needs a longer period and not all documents can be always available.

Amendment 242
Elżbieta Katarzyna Łukacijewska, Danuta Jazłowiecka, Dariusz Rosati, Janusz Lewandowski

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point a
Directive 2006/22/EC
Annex I – part A – point (6)

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

The analysis of working time of a driver as well as his/her employment contract cannot be properly done at the roadside. Hence, the control of compliance with Directive 2002/15/EC should be performed only at premises of the undertakings.

Amendment 243

Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zīle, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point a

Directive 2006/22/EC

Annex I – Part A – point 6

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 244

Rolandas Paksas

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point a

Directive 2006/22/EC

Annex I – Part A – point 6

Text proposed by the Commission

Amendment

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

Or. en

Justification

Complicated to check these conditions of Directive 2002/15 at the roadside.

Amendment 245
Merja Kyllönen

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point a
Directive 2006/22/EC
Annex I – Part A – point 6

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Currently it is not possible to carry out effectively road side checks of compliance with working time of drivers. Therefore these controls of compliance with working time should be limited to checks at the premises of transport operators until new technology enables road side inspections.

Amendment 246
Pavel Svoboda

Proposal for a directive
Article 1 – paragraph 1 – point 9 – point a
Directive 2006/22/EC
Annex I – Part A – point 6

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 247
Karima Delli, Bas Eickhout

Proposal for a directive

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.

1. This Article establishes *sector-specific rules and derogations* 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 relating to administrative requirements and control measures for the posting of those drivers.

Or. en

Amendment 250

Karoline Graswander-Hainz, Christine Revault d'Allonnes Bonnefoy, Michael Detjen, Ismail Ertug, Lucy Anderson, Kathleen Van Brempt, Hugues Bayet, Theresa Griffin

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 251

Richard Sulík, Martina Dlabajová

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

Text proposed by the Commission

Amendment

1a. For the purpose of this Article the following definitions shall apply:

(a) 'Country' means the country of registration of the road transport operator, other EU Member State or third

country.

(b) 'Cross-trade road transport' means the transport operation including loading and unloading made by a road transport operator between two Member States which differ from a Member State or third country, where the operator is established.

(c) 'Transit' means the through passage transport where the points of departure and destination are in another country or other countries and the transport passes through the territory of the transit country without loading or unloading.

(d) 'Rolling four-week period' means a consecutive four weeks period of any type of international road transport operation excluding cabotage.

Or. en

Amendment 252
Daniela Aiuto, Rosa D'Amato

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