Posting drivers in the road transport sector

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The Committee on Transport and Tourism adopted the report by Merja KYLLÖNEN (GUE/NGL, FI) on the proposal for a regulation 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.

The Committee on Employment and Social Affairs, exercising its prerogatives as an associate committee under Rule 54 of the Rules of Procedure of the European Parliament, also gave its opinion on this report

The committee recommended that the position of the European Parliament adopted at first reading in the ordinary legislative procedure amend the Commission proposal as follows:

Enforcement: the Directive must aim to provide legal certainty and clarity, to contribute to the harmonisation and fostering of enforcement and to the fight against illegal practices and lower administrative burden.

Members stressed the need to ensure adequate, effective and consistent compliance with the provisions on working and rest time to improve road safety and to protect the working conditions of drivers and to prevent distortions of competition arising from non-compliance with the rules. The focus should be on combating undeclared work in the transport sector.

Roadside checks on the implementation of Directive 2002/15 / EC (monitoring of working time) will be organised only after the introduction of a technology that allows for effective controls. In the meantime, these checks will be carried out exclusively at the premises of transport undertakings.

Member States must interconnect their national electronic registers (NER) through the European Register of Road Transport Undertakings (ERRU) system, so that the competent authorities of the Member States can have direct real-time access to the data and information in the ERRU.

Posting of workers: Members proposed that the EU rules on posted workers (Directive 96/71/EC) based on the principle of "equal pay for equal work" apply to cabotage operations. This means that the same remuneration rules would apply to a truck driver who delivers goods to another Member State after a cross-border delivery as to drivers in the host country. Furthermore, the rules on posting must also apply to the road leg of the combined transport, provided that the road leg is carried out within the same Member State.

Member States shall not apply Directive 96/71/EC to drivers in the road transport sector when performing international carriage operations and transit operations when a driver transits through a Member State without loading or unloading freight and without picking up or setting down passengers.

Member States shall not apply the provisions on the duration of posting in Directive 96/71/ EC to road transport operations falling within the scope of this Directive.

By way of derogation from Directive 2014/67/EU on the implementation of Directive 96/71/EC on the posting of workers in the context of the provision of services, Member States may only impose the following administrative requirements and control measures:

- an obligation for the road transport operator established in another Member State to submit a declaration and any update to it in electronic form via the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 to the national competent authorities at the latest at the commencement of the posting, in an official language of the European Union;
- an obligation for the road transport operator to ensure that the driver has at his/her disposal, where requested at the roadside control, in paper or electronic form: (i) a copy of the declaration and evidence of transport operation taking place in the host Member State; (ii) the tachograph records;
- an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, within a reasonable period of time, documentation of the remuneration of posted drivers which relate to the period of posting and their employment, time-sheets relating to the driver's work and proof of payments.

Smart enforcement: Member States shall ensure that a coherent national enforcement strategy is applied on their territory. That strategy shall focus on undertakings with a high risk rating. The checks shall include, where relevant, a check on posting and these check shall be carried out without discrimination, in particularly without discrimination based on the number plates of vehicles used in posting.

Member States shall have access to relevant information and data recorded, processed or stored by the smart tachographs, posting declarations in electronic transport documents, such as electronic consignment notes under the Convention on the Contract for the International Carriage of Goods by Road (eCMR).

Member States shall, at least three times per year, undertake concerted roadside checks on posting.