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Subject:	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 - four column table

Following the Parliament's vote on a first reading position on 4 April 2019, delegations find attached a four column table to facilitate the comparison of the EP and Council positions.

The EP column contains the provisional version of the adopted text. The table will be checked against the consolidated version once available.

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

* The EP column contains the provisional version of the adopted text. This table will be checked against the consolidated version once available.

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
1.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Having regard to the opinion of the European Economic and Social Committee¹, Having regard to the opinion of the Committee of the Regions², Acting in accordance with the ordinary legislative procedure, _____ (1) OJ C , p. . (2) OJ C , p. .			
2.	Whereas:			
3.		Amendment 764 Title 1		
4.	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* 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	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	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	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 <i>and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('IMI Regulation')</i>		
5.		Amendment 765 Recital - 1 (new)		
6.		(-1) <i>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</i>		

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	<i>harmonisation and fostering of enforcement and to the fight against illegal practices and lower administrative burden.</i>		
7.	Amendment 766 Recital 1		
8.	(1) In order to create a safe, efficient and socially responsible road transport sector it is necessary to ensure <i>the free movement of goods and the freedom to provide services</i> , adequate working conditions and social protection for drivers [...] and <i>to provide a suitable business and [...] competitive environment</i> for operators[...], <i>while respecting the fundamental freedoms, the free movement of goods and the freedom to provide services in particular as guaranteed by the Treaties.</i>	(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.	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 767 Recital 1 a (new)	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
9.				
10.		<i>(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.</i>		
11.		Amendment 768 Recital 2		
12.	(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	(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	(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	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	restricting their freedom to provide cross-border services.	<i>workers</i> , are not faced with disproportionate administrative barriers <i>or abusive and discriminatory controls</i> , unduly restricting their freedom to provide cross-border services	restricting their freedom to provide cross-border services.	
13.		Amendment 769 Recital 2 a (new)		
14.		<i>(2a) Any national rules applied to road transport must be proportionate as well as justified and must not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty, such as the free movement of goods and the freedom to provide services in order to maintain or even increase the competitiveness of the Union, including the costs of products and services by respecting the working conditions and social protection for drivers as well</i>		

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>as respecting the specificities of the sector since drivers are highly mobile workers, not posted workers.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
15.	Amendment 770 Recital 3		
16.	(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 <i>fair, proportionate, non-discriminatory</i> competition between national and foreign operators is crucial for the smooth functioning of the internal market. <i>Any piece of national legislation or policy for implementation at national level in the transport sector must therefore be conducive to the development and strengthening of the single European transport area and in no way contribute</i>	(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.	

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>to the fragmentation of the internal market.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
17.	Amendment 771 Recital 4		
18.	(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, <i>as well as illegal practices, such as the use of letterbox companies. Additional emphasis should be put on fighting against undeclared work in the transport sector.</i> 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.	(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.	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 772 Recital 4 a (new)	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
19.				
20.		(4a) <i>In order to ensure that Directives 96/71/EC^{1a}, and 2014/67/EU^{1b} of the European Parliament and of the Council, are correctly applied, controls and cooperation at Union level to combat fraud relating to the posting of drivers should be strengthened, and stricter checks should be carried out to ensure that social contributions for posted drivers are actually paid.</i> ^{1a}. <i>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).</i> ^{1b}. <i>Directive 2014/67/EU of the European Parliament and of the</i>		

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>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)</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
21.			
22.	(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	(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	

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	the working time provisions set out in Directive 2002/15/EU.	in Directive 2002/15/EU. <i>The possibility of combining checks on driving time and working time with checks on rules on posting of drivers should be also available without additional administrative burden. Checks of compliance with working time should be limited to checks carried out at the premises of transport operators until technology is available that allows the checks on working time to be carried out effectively at the roadside.</i>	the working time provisions set out in Directive 2002/15/EU. <i>In doing so, the necessary checks on compliance should be targeted towards undertakings which are not compliant with driving and rest time rules. Comprehensive checks can only be carried out at the premises of the undertakings. Roadside checks should be limited to the rules which can be controlled based on the documentation on board the vehicle.</i>	
23.		Amendment 774 Recital 5 a (new)		
24.		<i>(5a) Bearing in mind the specific character of transport services and the direct impact on the free movement of goods, with a special focus on road safety and security, roadside checks should be limited to the</i>		

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	<i>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.</i>		
25.	Amendment 775 Recital 5 b (new)		
26.	<i>(5b) 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.</i>		
27.	(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	(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	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	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.		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.	
28.		Amendment 776 Recital 6 a (new)		
29.		(6 a) <i>With a view to fostering effective administrative cooperation and an effective exchange of information, Member States should 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 should take all necessary measures to ensure that the national electronic registers</i>		

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>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 ERU.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
30.	Amendment 777 Recital 6 b (new)		
31.	(6 b) To facilitate better and more uniform application of the minimum conditions for the implementation of Regulation (EC) No 561/2006, Regulation (EU) No 165/2014 and Directive 2002/15/EC, and to facilitate road transport operators' compliance with administrative requirements when posting drivers, the Commission should develop one or several modules of IMI for submitting declarations in posting and an electronic application that will provide inspectors direct real-time	(6a) In order to facilitate roadside checks, updating of posting information and communication in a format standardised across official languages, the posting declaration should be processed through the Internal Market Information System (IMI).	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>access to the ERRU and IMI during roadside checks.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
32.			(6b) Exchange of information in the framework of administrative cooperation and mutual assistance between the Member States should comply with the rules on protection of personal data laid down in Regulation (EU) 2016/679. With regard to the exchange of information through the Internal Market Information System (IMI), it should also comply with Regulation (EC) No 45/2001* and Regulation (EU) No 1024/2012.** * Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to processing of personal data by the	

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
		Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p.1) ** Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p.1)	
33. (7) In order to further improve the effectiveness, efficiency and consistency of enforcement, it is desirable to develop the features and the use of the existing national risk rating systems. Access to the data contained in risk rating systems would enable better		(7) In order to further improve the effectiveness, efficiency and consistency of enforcement, it is desirable to develop the features and the use of the existing national risk rating systems. Access to the data contained in risk rating systems would enable better	

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	targeting of controls at non-compliant operators and a uniform formula for assessing risk rating of a transport undertaking should contribute to fairer treatment of operators at controls.		targeting of controls at non-compliant operators and a uniform formula for assessing risk rating of a transport undertaking should contribute to fairer treatment of operators at controls.	
34.		Amendment 778 Recital 7 a (new)		
35.		<i>(7 a) In order to ensure fair competition and a 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).</i>		
36.	(8) In order to ensure uniform conditions for the implementation of Directive		(8) In order to ensure uniform conditions for the implementation of Directive	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	2006/22/EC, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011³. — — (3) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise		2006/22/EC, implementing powers should be conferred on the Commission. The Commission should ensure the equal treatment of undertakings when taking into account the criteria specified in this Directive for the development of a common formula for calculating a risk rating of undertakings. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011³. — (3) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	of implementing powers (OJ L 55, 28.2.2011, p. 13).		of implementing powers (OJ L 55, 28.2.2011, p. 13).	
37.		Amendment 779 Recital 8 a (new)		
38.		(8a) Rules for the posting of workers applicable to 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.		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 780 Recital 9	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
39.				
40.	(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 Council⁴ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council⁵ 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	(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	(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 Council⁴ and the rules on the administrative requirements laid down in Directive 2014/67/EU of the European Parliament and of the Council⁵ 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	

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services having negative side-effects on jobs.	undue restrictions to the freedom to provide cross-border road transport services having negative side-effects on jobs <i>and the competitiveness of transport companies. Administrative requirements and control measures need to be harmonised to prevent carriers from suffering unnecessary or arbitrary delays.</i>	services having negative side-effects on jobs.	
4 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) 5 Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive	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	4 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) 5 Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	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).	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).	
41.		Amendment 781 Recital 9 a (new)		
42.		<i>(9a) Member States should exchange data and information, engage in administrative cooperation and provide mutual assistance via the Internal Market Information System (IMI), the legal basis of which is provided by Regulation (EU) No 1034/2012, with a view to ensuring full compliance with the rules. Similarly, the IMI should be used to submit and update posting declarations between transport operators</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>and the competent authorities of the receiving Member States. In order to achieve this latter objective, it would be necessary to develop a parallel public interface within the IMI system to which transport operators would have access.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
43.		Amendment 782 Recital 9 b (new)		
44.		(9b) <i>All actors in the delivery chain for goods should bear their fair share of responsibility for infringements of the rules provided for in this Directive. This should be the case where the actors have actually known of infringements or where, in the light of all the relevant circumstances, they ought to know of them.</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
45.		Amendment 783 Recital 9 c (new)		
46.		<i>(9c) 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.</i>		
47.		Amendment 784 Recital 9 d (new)		
48.		<i>(9d) Contractors should be encouraged to act with social responsibility by using transport operators that comply with the rules provided for by this Directive. To make it easier for contractors to find such transport operators, the Commission should assess existing instruments and best practices promoting</i>		

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	<i>socially responsible behaviour of all actors in the delivery chain for goods with a view to establishing a European platform of trusted transport companies, if appropriate.</i>		
49.	Amendment 785 Recital 9 e (new)		
50.	(9e) <i>Failure to comply with the rules on the establishment of international road transport companies creates differences across the internal market and contributes to unfairness in inter-company competition. The conditions governing the establishment of international road transport companies should therefore be tightened and made easier to monitor, particularly with a view to combating the creation of ‘letterbox’ companies.</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
51.	(10) The Commission, in its proposal of 8 March 2016⁶ 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. _____ ⁶ COM(2016)128		(10) The Commission, in its proposal of 8 March 2016⁶ 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. _____ ⁶ COM(2016)128	
52.		Amendment 786 Recital 10 a (new)		
53.		<i>(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.</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 787 Recital 11	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
54.				
55.	(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.	(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 should apply to road transport sector under the terms of this Directive.	(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.	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 788 Recital 12	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
56.				
57.	(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 1072/2009⁷ and 1073/2009⁸ 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	(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. [...] <i>This sufficient link exists in case of</i> cabotage operations as defined by Regulations 1072/2009 and 1073/2009 since the entire transport operation is taking place in a host Member State. As a consequence [...], <i>Directive 96/71/EC and Directive 2014/67/EU</i> should apply to cabotage [...].	(12) Such balanced criteria should be based on a concept of a sufficient link of the service provided and the [...] driver with a territory of a host Member State. [...] To facilitate enforcement of the rules a distinction should be made between different types of transport operations depending on the degree of connection with the territory of the host Member State.	

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
and duration of the operations carried out by a driver. _____ 7 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). 8 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)			

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* [NOTE: see recital 12d of EP position]	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
58.		(12a) It should be clarified that international carriage in transit across the territory of a Member State does not constitute a situation of posting. Such operations are characterised by the fact that the driver passes the Member State without loading or unloading freight and without picking up or setting down passengers and there is for those reasons only a very weak link between the driver's activities and the Member State transited.	
59.	Amendment 789 Recital 12 a (new)		
60.	(12a) <i>In case of international transport, the predominant link of a driver in the bilateral international transport would be to a Member State of</i>	(12b) Moreover, when a driver engages in bilateral transport operations from the Member State where the undertaking is established to the territory of another	

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	<i>establishment of the transport company, as the driver returns regularly back to the Member State of establishment of the transport company. A driver may undertake several bilateral transport operations during one journey. On the other hand, there is a sufficient link with the territory of a host Member State when a driver performs other types of operations, notably non-bilateral international transport operations, in that Member State.</i>	Member State or a third country or to the Member State of establishment, the nature of the service is closely linked with the Member State of establishment. A driver may undertake several bilateral transport operations during one journey. It would constitute a disproportionate restriction to the freedom to provide cross-border road transport services if the posting rules, and thereby the terms and conditions of employment guaranteed in the host Member State, would apply to such bilateral operations.	

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61.			
62.	<i>(12b) In order to ensure efficient use of transport resources, take into account the operational realities and to reduce number of empty runs, which is an important element in achieving objectives of Paris agreement in relation to reduction of CO2 emissions, a limited number of additional transport activities should be possible without triggering the posting rules. Such activities consists of operations performed during a period in the course of or following bilateral international transport operation from the Member State of establishment and before the return journey to the Member State of establishment.</i>	(12c) To ensure the efficient use of transport resources, a limited number of additional transport activities on the way should be possible without triggering the posting rules. Such activities consist of loading goods in a Member State that is crossed on the journey of the bilateral operation, and unloading the same goods in another Member State, or, during return before reaching the Member State of establishment, loading goods and unloading the same goods in another Member State.	

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63.		(12d) On the other hand, there is a sufficient link with the territory of a host Member State when a driver performs other types of operations, notably cabotage operations or non-bilateral international transport operations, in that Member State. Cabotage operations are national carriage carried out on a temporary basis in a host Member State and thus closely linked to the territory of the host Member State without any close link with the Member State of establishment. A non-bilateral international transport operation is characterised by the fact that the driver is engaged in international carriage outside of the Member State in which the undertaking is established. The services	

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		performed are therefore linked with the host Member States concerned rather than the home Member State. In these cases, sector-specific rules are only required with regard to the enforcement regime.	
64.	Amendment 791 Recital 12 c (new)		
65.	<i>(12c) In case that the driver is engaged in a combined transport operation, the nature of the service provided during the initial or final road leg is closely linked with the Member State of establishment provided that the road leg on its own is a bilateral transport operation. On the other hand, there is a sufficient link with the territory of a host Member State when the transport operation during the road leg is carried out within the</i>	<i>(12e) Similarly, in case that the driver is engaged in a combined transport operation, the nature of the service provided during the initial or final road leg is closely linked with the Member State of establishment if the road leg on its own is a bilateral transport operation. On the other hand, there is a sufficient link with the territory of a host Member State when the transport</i>	

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	<i>host Member State or, as a non-bilateral international transport operation, and therefore posting rules should apply in such a case.</i>	operation during the road leg is carried out within the host Member State or as a non-bilateral international transport operation, and therefore posting rules should apply in such a case.	
66.	Amendment 792 Recital 12 d (new)		
67.	<i>(12d) 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. It should also be clarified that the fact that passengers get down of the bus during a stop for hygienic reasons does not change the qualification of the transport operation.</i>	[NOTE: see recital 12a of GA]	
68.	Amendment 793 Recital 12 e (new)		
69.	<i>(12e) Road transport is a highly mobile sector and requires a common approach to certain aspects of remuneration in</i>		

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	<i>the sector. Transport undertakings need legal certainty about the rules and requirements with which they have to comply. Those rules and requirements should be clear, understandable and easily accessible to transport undertakings, and should enable effective checks. It is important that new rules do not introduce unnecessary administrative burden and that they duly take into account the interests of SMEs.</i>		
70.	Amendment 794 Recital 12 f (new)		
71.	<i>(12f) Where, in accordance with national law, traditions and practice, including respect for the autonomy of social partners, the terms and conditions of employment referred to in Article 3 of Directive 96/71/EC are laid down in collective agreements in accordance</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>with Article 3(1) and (8) of that Directive, Member States should ensure that, in line with Directive 2014/67/EU, those terms and conditions are made available in an accessible and transparent way to transport undertakings from other Member States and to posted drivers, and should seek the involvement of the social partners in that respect. The relevant information should, in particular, cover the different remunerations and their constituent elements, including elements of remunerations provided for in the locally or regionally applicable collective agreements, the method used to calculate the remuneration due and, where relevant, the qualifying criteria for classification in the different wage categories. In</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency

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	<i>accordance with Directive (EU) 2018/957/EU amending Directive 96/71/EC transport undertakings should not be penalized for non-compliance with elements of remuneration, the method used to calculate the remuneration due and, where relevant, the qualifying criteria for classification in the different wage categories which are not publically available.</i>		
72.	Amendment 795 Recital 13		
73.	(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	(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	

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	transport sector, taking full advantage of control tools such as the digital tachograph.	transport sector, taking full advantage of control tools such as the digital tachograph. <i>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.</i>	transport sector, taking full advantage of control tools such as the digital tachograph. In order to monitor compliance with the obligations set out in this Directive and Directive 96/71/EC, Member States should be allowed to impose on road operators only the administrative requirements specified in this Directive, which are adapted to the road transport sector. While certain documents should be available in case of roadside inspection, other documents should be made available by the road operators via the competent authorities of the Member State where the operator is established, in the framework of mutual assistance between Member States set out in Chapter III of Directive 2014/67/EU.	

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74.		Amendment 796 Recital 13 a (new)		
75.		<i>(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 2014/67/EU on mutual assistance and cooperation between Member States.</i>		
76.		Amendment 797 Recital 13 b (new)		
77.		<i>(13b) 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</i>	<i>(13a) To facilitate better and more uniform application of the minimum conditions for the implementation of Regulation (EC) No 561/2006, Regulation (EU) No 165/2014 and Directive 2002/15/EC, and to facilitate</i>	

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	<i>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.</i>	road transport operators' compliance with administrative requirements when posting drivers, the Commission should develop one or several modules of IMI.	
78.	Amendment 798 Recital 13 c (new)		
79.	<i>(13c) 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.</i>		

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80.		Amendment 799 Recital 13 d (new)		
81.		<i>(13d) 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.</i>		
82.		Amendment 800 Recital 13 e (new)		
83.		<i>(13e) 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 preregistration and attestation for return to country of operator's</i>		

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	<i>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.</i>		
84.	Amendment 801 Recital 13 f (new)		
85.	<i>(13f) 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.</i>		

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86.				
87.		(13g) <i>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 should 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.</i>	[Note: see recital 13d below in the GA]	

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88.			
89.	<i>(13h) In order to adapt the Annexes of this Directive to 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-Making¹. In particular, to ensure equal participation in the</i>	(13b) 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-Making*. In particular, to ensure equal participation in the	

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	<i>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.</i>	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. * OJ L 123, 12.5.2016, p. 1.	
90.		(13c) It is important that road transport operators established in third countries, while performing road transport operations in the territory of the Union, are subject to rules which are equivalent to rules set out in this Directive. The Commission should assess the fulfilment of this	

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		principle at Union level and propose adequate solutions for efficient enforcement of the rules.	
91.		(13d) This Directive will apply from 30 July 2020. That date will be the date from which Directive 2018/957 should apply to the road transport sector, in accordance with its Article 3(3).	
92.	(14) Directive 2006/22/EC should therefore be amended accordingly,	(14) Directive 2006/22/EC should therefore be amended accordingly,	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 804 Recital 14 a (new)	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
93.				
94.		(14a) <i>The exchange of information in the context of effective administrative cooperation and mutual assistance between Member States should comply with the rules on personal data protection laid down in Regulation (EU) 2016/679.</i> 805		
95.		Amendment 805 Recital 14 b (new)		
96.		(14b) <i>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</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>transparency and liability and increasing social and economic equality will increase the attractiveness of the driver as a profession and promote healthy competition.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
97.	<i>Article 1</i>		<i>Article 1</i>	
98.	<i>Directive 2006/22/EC is amended as follows:</i>		<i>Directive 2006/22/EC is amended as follows:</i>	
99.	(1) the title is replaced by the following:		(1) the title is replaced by the following:	
100.	"Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2002/15/EC of the European Parliament and of the Council as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC";		"Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2002/15/EC of the European Parliament and of the Council as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC";	

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101.	(2) Article 1 is replaced by the following:		(2) Article 1 is replaced by the following:	
102.	" This Directive lays down minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014* and Directive 2002/15/EC**." *Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).		"This Directive lays down minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014* and Directive 2002/15/EC**." * Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1). ** Directive 2002/15/EC of the	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
	** Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35). ";		European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35). ";	
103.	(3) Article 2 is amended as follows:		(3) Article 2 is amended as follows:	
104.	(a) in paragraph 1, the second subparagraph is replaced by the following		(a) in paragraph 1, the second subparagraph is replaced by the following:	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 806 Article 1 - paragraph 1 - point 3a <i>Directive 2006/22/EC</i> <i>Article 2 – paragraph 1 – subparagraph 2</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
105.				
106.	"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";	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, <i>in the case of checks at premises</i>, of mobile workers and drivers falling within the scope of Directive 2002/15/EC. <i>Member States shall organise roadside checks on the implementation of Directive 2002/15/EC only after the introduction of technology enabling effective checks to be carried out. Until then those checks shall be carried out exclusively at the premises of the transport undertakings.</i>	"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";	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 807 Article 1 - paragraph 1 - point 3b <i>Directive 2006/22/EC</i> Article 2 – paragraph 3 – subparagraph 1	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
107.				
108.	(b) in paragraph 3, the first subparagraph is replaced by the following:		(b) in paragraph 3, the first subparagraph is replaced by the following:	
109.	"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."	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. <i>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.</i>	"Each Member State shall organise checks in such a way that at least 3% of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006 and Regulation (EU)165/2014 [...] are checked.";	

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110.			(ba) The following paragraph is inserted:	
111.			"3a. Each Member State shall organise checks on compliance with the provisions of Directive 2002/15/EC taking into account the risk rating system provided for in Article 9c of this Directive. Those checks shall be targeted to an undertaking if one or more of its drivers have been continuously or seriously infringing the provisions of Regulation (EC) No 561/2006 or Regulation (EU) No 165/2014.";	
112.		Amendment 808 Article 1 - paragraph 1 - point 3c <i>Directive 2006/22/EC</i> <i>Article 2 – paragraph 4</i>		
113.	(c) paragraph 4 is replaced by the following:		(c) paragraph 4 is replaced by the following:	
114.	"4. The information submitted to the Commission in accordance with Article 17 of Regulation (EC) No	4. The information submitted to the Commission in accordance with Article 17 of Regulation (EC) No	"4. The information submitted to the Commission in accordance with Article 17 of Regulation (EC) No	

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	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.";	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 <i>at premises</i> and the number and type of infringements reported, together with a record of whether passengers or goods were transported.	561/2006 and Article 13 of Directive 2002/15/EC 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.";	
115.		Amendment 809 Article 1 - paragraph 1 - point 3a (new) <i>Directive 2006/22/EC Article 5</i>		
116.		<i>(3a) Article 5 is replaced by the following:</i>		
117.	Article 5 Concerted checks	"Article 5 Concerted checks		
118.	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 or (EEC) 3821/85. Such checks shall	Member States shall, at least six times per year, undertake concerted roadside checks <i>and at the premises</i> on drivers and vehicles falling within the scope of [...] Regulation (EC) No 561/2006 or (EU) 165/2014 . Such checks shall		

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	be undertaken at the same time by the enforcement authorities of two or more Member States, each operating in its own territory.	be undertaken at the same time by the enforcement authorities of two or more Member States, each operating in its own territory. <i>The summary results of the concerted checks shall be made public in line with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.”</i>		
119.		Amendment 810 Article 1 - paragraph 1 - point 4 <i>Directive 2006/22/EC Article 6 - paragraph 1</i>		
120.	(4) in Article 6, paragraph 1 is replaced by the following:		(4) in Article 6, paragraph 1 is replaced by the following:	
121.	"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	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	"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	

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	serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 or Directive 2002/15/EC have been detected at the roadside.";	serious infringements of Regulations (EC) No 561/2006 <i>and</i> (EU) No 165/2014 [...] have been detected at the roadside.	serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 or Directive 2002/15/EC have been detected at the roadside.";	
122.		Amendment 811 Article 1 - paragraph 1 - point 4 a (new) <i>Directive 2006/22/EC Article 7 - paragraph 1 - point b</i>		
123.		<i>(4a) in Article 7(1), point (b) is replaced by the following:</i>		
124.	(b) to forward the biennial statistical returns to the Commission under Article 16 (2) of Regulation (EEC) No 3820/85;	“(b) to forward the biennial statistical returns to the Commission under Article 17 of Regulation [...] (EC) No 561/2006,”		
125.	(5) in Article 7(1), the following point (d) is added:		(5) in Article 7(1), the following point (d) is added:	
126.	"(d) to ensure exchange of information with the other Member States with regard to the application of national provisions transposing this Directive and Directive		"(d) to ensure exchange of information with the other Member States pursuant to Article 8 of this Directive with regard to the application of national provisions	

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	2002/15/EC.";		transposing this Directive and Directive 2002/15/EC.";	
127.	(6) Article 8 is amended as follows:		(6) Article 8 is amended as follows:	
128.		Amendment 812 Article 1 - paragraph 1 - point 6a (new) <i>Directive 2006/22/EC</i> <i>Article 8 – paragraph 1 – introductory part</i>		
129.	(a) in paragraph 1, point (b) is replaced by the following:	(-a) In Article 8(1), the introductory part is replaced by the following:	(a) [...] paragraph 1 [...] is replaced by the following:	
130.	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):	1. Information made available bilaterally under [...] <i>Article 22(2) of Regulation (EC) No 561/2006</i> or <i>Article 40 of Regulation (EU) No 165/2014</i> shall be exchanged between the designated bodies notified to the Commission in accordance with Article 7[...]:	"1. Information exchanged bilaterally under Article 22 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):	

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131.	(a) at least once every six months after the entry into force of this Directive;		(a) at least once every six months after the entry into force of this Directive;	
132.		Amendment 813 Article 1 - paragraph 1 - point 6a <i>Directive 2006/22/EC</i> <i>Article 8 – paragraph 1 – point b</i>		
133.	"(b) upon reasoned request by a Member State in individual cases. ";	(b) <i>at the specific [...] request [...] of a Member State in individual cases, provided that the information required is not available through direct consultation of national electronic registers referred to in Article 16(5) of Regulation (EC) No 1071/2009.</i>	(b) upon reasoned request by a Member State in individual cases. ";	
134.		Amendment 814 Article 1 - paragraph 1 - point 6b <i>Directive 2006/22/EC</i> <i>Article 8 – paragraph 1 a – subparagraph 1</i>		
135.	(b) the following paragraph 1a is inserted:		(b) the following paragraph 1a is inserted	

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136.	"1a. 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.	1a. Member States 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. <i>In duly justified</i> cases requiring in-depth examination or involving checks at the premises of the undertakings concerned, <i>the time limit shall be 20 working days</i>. 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.	"1a. Member State shall submit the information requested by other Member States pursuant to paragraph 1(b) of this Article within [...] 30 working days from the receipt of the request [...]. 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.	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 815 Article 1 - paragraph 1 - point 6b <i>Directive 2006/22/EC</i> <i>Article 8 – paragraph 1 a – subparagraph 2</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
137.				
138.	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.	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.	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.	
139.		Amendment 816 Article 1 - paragraph 1 - point 6b <i>Directive 2006/22/EC</i> <i>Article 8 – paragraph 1 a – subparagraph 3</i>		
140.	Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the	Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the	Where it is difficult [...] to comply with a request for information or to carry out checks, inspections or investigations, the Member State in	

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	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." .	<i>requested</i> Member State [...] shall inform the requesting Member State accordingly within [...] <i>five</i> working days, [...] <i>and provide reasons to duly justify the difficulty or impossibility of providing the relevant information</i> . The Member States concerned shall discuss with each other with a view to finding a solution for any difficulty raised.	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." ;	
141.		Amendment 817 Article 1 - paragraph 1 - point 6b <i>Directive 2006/22/EC</i> <i>Article 8 – paragraph 1 a – subparagraph 3 a (new)</i>		
142.		<i>Where the Commission becomes aware of a persisting problem in the exchange of information or a permanent refusal to supply information, it may take all necessary measures to remedy the situation, including, where necessary, it may open an investigation and eventually apply sanctions to the Member State.</i>		

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143.	Amendment 818 Article 1 - paragraph 1 - point 6ba (new) <i>Directive 2006/22/EC</i> <i>Article 8 – paragraph 2</i>		
144.	<i>(ba) paragraph 2 is replaced by the following:</i>	(c) paragraph 2 is replaced by the following:	
145.	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 exchange of information provided for in this Article shall be implemented through the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012*"; * Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316,	

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146.		Amendment 819 Article 1 - paragraph 1 - point 6bb (new) <i>Directive 2006/22/EC</i> <i>Article 8 – paragraph 2 a</i>	14.11.2012, p. 1).";	
147.		<i>(bb) in Article 8, the following paragraph is added:</i>		
148.		"2a. The Commission shall develop an electronic application common to all EU Member States that will provide inspectors direct real-time access to the ERRU and IMI during roadside checks and premises by 2020. This application shall be developed via a pilot project.",		

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149.	(7) Article 9 is amended as follows:		(7) Article 9 is amended as follows:	
150.	(a) paragraph 1 is replaced by the following:		(a) paragraph 1 is replaced by the following:	
151.	"1. Member States shall introduce a risk rating system for undertakings based on the relative number and severity of any infringement of Regulation (EC) No 561/2006 or of Regulation (EU) No 165/2014 or of national provisions transposing Directive 2002/15/EC that an individual undertaking has committed.		"1. Member States shall introduce a risk rating system for undertakings based on the relative number and severity of any infringement of Regulation (EC) No 561/2006 or of Regulation (EU) No 165/2014 or of national provisions transposing Directive 2002/15/EC that an individual undertaking has committed.	
152.		Amendment 820 Article 1 - paragraph 1 - point 7a <i>Directive 2006/22/EC</i> <i>Article 9 – subparagraph 2</i>		
153.	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,	The Commission [...] is empowered to adopt delegated acts in accordance with Article 15a establishing a common formula for calculating a risk rating of	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,	

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	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."	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 its vehicles.	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.";	
154.	(b) in paragraph 2, the second sentence is deleted.		(b) in paragraph 2, the second sentence is deleted.	

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155.		Amendment 821 Article 1 - paragraph 1 - point 7ba (new) <i>Directive 2006/22/EC</i> <i>Article 9 – paragraph 3 - subparagraph 1</i>		
156.		(ba) in paragraph 3, the first subparagraph is replaced by the following:	(ba) paragraph 3 is replaced by the following:	
157.	3. An initial list of infringements of Regulations (EEC) No 3820/85 and (EEC) No 3821/85 is set out in Annex III.	3. An initial list of infringements of [...] <i>Regulations (EC) No 561/2006 and (EU) No 165/2014</i> is set out in Annex III.	"3. An initial list of infringements of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014 and their weighting of gravity is set out in Annex III.	
158.		Amendment 822 Article 1 - paragraph 1 - point 7bb (new) <i>Directive 2006/22/EC</i> <i>Article 9 – paragraph 3 - subparagraph 2</i>		
159.		(bb) in paragraph 3, the second subparagraph is replaced by the following:		

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160.	With a view to giving guidelines on the weighting of infringements of Regulations (EEC) 3820/ 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.	“With a view to giving guidelines on the weighting of infringements of <i>Regulation (EC) No 561/2006 or (EU) No 165/2014</i> , the Commission is <i>empowered to adopt delegated acts</i> in accordance with <i>Article 15a amending</i> Annex III with a view to establishing guidelines on a common range of infringements, divided into categories according to their gravity.”;	The Commission is empowered to adopt delegated acts in accordance with Article 15a of this Directive amending Annex III in order to take account of regulatory developments and considerations of road safety.	
161.		Amendment 823 Article 1 - paragraph 1 - point 7bc (new) <i>Directive 2006/22/EC</i> <i>Article 9 – paragraph 3 - subparagraph 3</i>		
162.	The category for the most serious infringements should include those where failure to comply with the relevant provisions of Regulations (EEC) No 3820/85 or (EEC) 3821/85 create a serious risk of death or serious personal injury.	“The category for the most serious infringements should include those where failure to comply with the relevant provisions of Regulations [...] <i>(EC) No 561/2006 or (EU) 165/2014</i> create a serious risk of death or serious personal injury.”;	The category for the most serious infringement should include those where failure to comply with the relevant provisions of Regulation [...] (EC) No 561/2006 and Regulation (EU) No 165/2014 create a serious risk of death or serious personal injury.”;	

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163.	(c) the following paragraphs 4 and 5 are added:		(c) the following paragraphs 4 and 5 are added:	
164.		Amendment 824 Article 1 - paragraph 1 - point 7c <i>Directive 2006/22/EC</i> <i>Article 9 – paragraph 4</i>		
165.	"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.;	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 accessible at the time of the check to all the competent control authorities of the Member State concerned through at least an electronic application common to all Member States, through which they will have direct real-time access to the ERRU.	"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.;	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 825 Article 1 - paragraph 1 - point 7c Directive 2006/22/EC Article 9 – paragraph 5	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
166.				
167.	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.";	5. Member States shall make the information contained in the national risk rating system [...] directly accessible <i>through interoperable national electronic registers as referred to in Article 16 of Regulation (EC) No. 1071/2009</i> to all competent authorities of other Member States [...]. (AM 228, 229, 230, 231). <i>In this regard, the exchange of information and data on transport operators infringements and risk rating shall be concentrated and carried out through the interconnection that ERRU provides between the different national registers in the Member States.</i>	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.";	

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 826 Article 1 - paragraph 1 - point 8 <i>Directive 2006/22/EC</i> <i>Article 11 – paragraph 3</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
168.			
169.	(8) in Article 11, paragraph 3 is replaced by the following:	(8) in Article 11, paragraph 3 is replaced by the following:	
170.	"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)";	"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)";	

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 827 Article 1 - paragraph 1 - point 8a (new) Directive 2006/22/EC Article 12	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
171.			
172.		(8a) Article 12 is replaced by the following:	
173.	"Article 12 Committee procedure	"Article 12 Committee procedure	
174.	1. The Commission shall be assisted by the Committee set up by Article 18(1) of Regulation (EEC) No 3821/85.	1. The Commission shall be assisted by the Committee set up by Article 42(1) of Regulation (EU) 165/2014.	
175.	2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.	2. Where reference is made to this paragraph, Article 5 [...] of Regulation (EU) No 182/2011 shall apply."	

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176.			Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.”;	
177.	The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.	deleted	deleted	
178.	3. The Committee shall adopt its Rules of Procedure.	deleted	deleted	
179.		Amendment 828 Article 1 - paragraph 1 - point 8b (new) <i>Directive 2006/22/EC</i> <i>Article 13 - point b</i>		
180.		(8b) in Article 13, point (b) is replaced by the following:		
181.	(b) to encourage a coherence of approach between enforcement authorities and a harmonised	“(b) to encourage a coherence of approach between enforcement authorities and a harmonised		

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	interpretation of Regulation (EEC) No 3820/85 between enforcement authorities;	interpretation of Regulation (EC) No [...]561/2006 between enforcement authorities;”		
182.		Amendment 829 Article 1 - paragraph 1 - point 8c (new) <i>Directive 2006/22/EC</i> <i>Article 14</i>		
183.		(8c) Article 14 is replaced by the following:		
184.	“Article 14 Negotiations with third countries	“Article 14 Negotiations with third countries		
185.	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.	Once this Directive has entered into force, the [...] Union shall begin negotiations with the relevant third countries with a view to the application of rules equivalent to those laid down in this Directive.		
186.	Pending the conclusion of these negotiations, Member States shall include data on checks carried out on vehicles from third countries in their returns to the Commission as	Pending the conclusion of these negotiations, Member States shall include data on checks carried out on vehicles from third countries in their returns to the Commission as		

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187.	set out in Article 16 (2) of Regulation (EEC) No 3820/85.	Amendment 830 Article 1 - paragraph 1 - point 8d (new) Directive 2006/22/EC Article 15		
188.		(8d) Article 15 is replaced by the following:	(8b) Article 15 is replaced by the following:	
189.	Article 15 Updating of Annexes	"Article 15 Updating of Annexes	"Article 15 Updating of Annexes	
190.	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).	[...] 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 [...].;	[...] 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 [...].;	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 831 Article 1 - paragraph 1 - point 8e (new) <i>Directive 2006/22/EC Article 15a (new)</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
191.				
192.		(8e) The following Article is inserted:	(8c) The following article is inserted:	
193.		Article 15a <i>Exercise of the delegation</i>	"Article 15a <i>Exercise of the delegation</i>	
194.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
195.		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 power not later than nine	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	

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	<i>months before the end of the five-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.</i>	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.	
196.	3. <i>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</i>	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 <i>Official Journal of the European Union</i> or at a later date	

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	<i>not affect the validity of any delegated acts already in force.</i>	specified therein. It shall not affect the validity of any delegated acts already in force.	
197.	4. <i>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.</i>	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*. _____ * OJ L 123, 12.5.2016, p. 1.	
198.	5. <i>As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</i>	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
199.	6. <i>A delegated act adopted pursuant to Article 9(3) and Article 15 shall enter into force only if no objection has</i>	6. A delegated act adopted pursuant to Article 9(3) and Article 15 shall enter into force only if no objection has	

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	<i>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."</i> ;	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."	
200.	Amendment 832 Article 1 - paragraph 1 - point 9 point -a (new) <i>Directive 2006/22/EC - Annex I – Part A – point 1</i>		
201.	(-a) in Part A, point (1) is replaced by the following:		
202.	(1) daily and weekly driving times, breaks and daily and	(1) daily and weekly driving times, breaks and daily and	

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	weekly rest periods; also the preceding days' record sheets which have to be carried on board the vehicle in accordance with Article 15 (7) of Regulation (EEC) No 3821/85 and/or the data stored for the same period on the driver card and/or in the memory of the recording equipment in accordance with Annex II to this Directive and/or on printouts;	weekly rest periods; also the preceding days' record sheets which have to be carried on board the vehicle in accordance with [...] <i>Article 36 (1) and (2) of Regulation (EU) No 165/2014</i> and/or the data stored for the same period on the driver card and/or in the memory of the recording equipment in accordance with Annex II to this Directive and/or on printouts;		
203.	(9) Annex I is amended as follows:		(9) Annex I is amended as follows:	
204.		Amendment 833 Article 1 - paragraph 1 - point 9 - point -aa (new) <i>Directive 2006/22/EC - Annex I – Part A – point 2</i>		
205.		(-aa) in Part A, the point (2) is replaced by the following:		
206.	(2) for the period referred to in Article 15 (7) of Regulation	(2) for the period referred to in Article [...] <i>36 paragraphs (1)</i>		

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* and (2) of Regulation (EU) No 165/2014, any cases where the vehicle's authorised speed is exceeded, to be defined as being any periods of more than one minute during which the vehicle's speed exceeds 90 km/h for category N 3 vehicles or 105 km/h for category M 3 vehicles (categories N 3 and M 3 as [...] defined in Directive 2007/46/EC ^{1a} , -----	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
(EEC) No 3821/85, any cases where the vehicle's authorised speed is exceeded, to be defined as being any periods of more than one minute during which the vehicle's speed exceeds 90 km/h for category N 3 vehicles or 105 km/h for category M 3 vehicles (categories N 3 and M 3 being defined in Annex II, Part A to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers^{1a}, ----- ^{1a} OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 2006/28/EC (OJ L 65, 7.3.2006, p. 27)	^{1a} Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(Framework Directive).		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 834 Article 1 - paragraph 1 - point 9 - point -ab (new) <i>Directive 2006/22/EC - Annex I – Part A – point 4</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
207.				
208.		<i>(-ab) in Part A, point (4) is replaced by the following:</i>		
209.	(4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets) or, where appropriate, presence of the documents referred to in [...] Article 14(5) of Regulation (EEC) No 3820/85;	(4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets) or, where appropriate, presence of the documents referred to in [...] <i>Article 16(2) of Regulation (EC) No 561/2006;</i>		
210.		Amendment 835 Article 1 - paragraph 1 - point 9a <i>Directive 2006/22/EC - Annex I – Part A – point 6</i>		
211.	(a) in Part A, the following point (6) is added:		(a) in Part A, the following point (6) is added:	
212.	"(6) weekly working times as set	(6) weekly working times as set	"(6) extended maximum weekly	

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	out in Articles 4 and 5 of Directive 2002/15/EC.";	out in Articles 4 and 5 of Directive 2002/15/EC, <i>provided that technology enables effective checks to be carried out.</i>	working times of 60 hours as set out in Article 4 [...] point (a) of Directive 2002/15/EC";	
213.		Amendment 836 Article 1 - paragraph 1 - point 9ba (new) <i>Directive 2006/22/EC - Annex I – Part B – paragraph 2</i>		
214.		(ba) in Part B, paragraph 2 is replaced by the following:		
215.	Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EEC) No 3820/85 and (EEC) No 3821/85.	Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with [...] Regulations (EC) No 561/2006 and (EU) No 165/2014.		
216.	(b) in Part B, the following point (4) is added:		(b) in Part B, the following points [...] are added:	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339*	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
217.	"(4) weekly working times, breaks and night work requirements set out in Articles 4, 5 and 7 of Directive 2002/15/EC." .		"(4) maximum average weekly working times, breaks and night work requirements set out in Articles 4, 5 and 7 of Directive 2002/15/EC."	
218.			(5) observance of the obligations of undertakings as regards the payment for drivers' accommodation and the organisation of the work of drivers, in accordance with Article 8(8) and (8a) of Regulation 561/2006."	

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 837 Article 2 – paragraph 2 – subparagraph 1	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
219.			
220.		Article 2	
221.	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 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.	
222.	1a. These specific rules shall apply to drivers employed by undertakings established in a Member State which take one of the transnational measures referred to in Article 1(3) (a) of Directive 96/71/EC.	1a. These specific rules shall apply to drivers employed by undertakings established in a Member State which take one of the transnational measures referred to in Article 1(3) (a) and (b) of Directive 96/71/EC.	

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223. 2. Member States shall not apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC to drivers in the road transport sector employed by undertakings referred to in Article 1(3)(a) of that Directive, when performing international carriage operations as defined by Regulations 1072/2009 and 1073/2009 where the period of posting to their territory to perform these operations is shorter than or equal to 3 days during a period of one calendar month.	2. [...] A driver shall not be considered to be posted for the purpose of Directive 96/71/EC when performing bilateral transport operations.	2. [...] A driver shall not be considered to be posted for the purpose of Directive 96/71/EC when performing bilateral transport operations.	
224.	<i>For the purpose of this Directive, a bilateral transport operation in respect of goods, based on a transport contract, from the Member State of establishment, as defined in</i>	For the purpose of this Directive, a bilateral transport operation in respect of goods is the movement of goods, based on a transport contract, from the Member State of	

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	<i>Article 2(8) of Regulation (EC) No 1071/2009 to another Member State or a third country, or from another Member State or third country to the Member State of establishment.</i>	establishment, as defined in Article 2(8) of Regulation (EC) No 1071/2009 to another Member State or a third country, or from another Member State or third country to the Member State of establishment.	
225.	<i>2a. From the date on which drivers shall record border crossing data manually, as required in Article 34(7) of Regulation (EU) No 165/2014, Member States shall also apply the exemption set out in paragraph 2 in respect of goods transport when:</i>	<i>2a. For vehicles equipped with a smart tachograph complying with the recording of border crossing and additional activities referred to in Article 8(1) subparagraph 1 of Regulation (EU) 165/2014, Member States shall also apply the exemption set out in paragraph 2 in respect of goods transport when:</i>	
226.	<i>- the driver performing a bilateral transport operation in addition thereto performs one activity of loading and/or unloading in the</i>	<i>- the driver performing a bilateral transport operation in addition thereto performs one activity of loading and/or</i>	

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	<i>Member States or third countries that the driver crosses, provided that the driver does not load goods and unloads them in the same Member State.</i>	unloading in the Member States or third countries that the driver crosses, provided that the driver does not load goods and unloads them in the same Member State.	
227.	<i>Where a bilateral transport operation starting from the Member State of establishment during which no additional activity was performed is followed by a bilateral transport operation to the Member State of establishment, the exception shall apply for up to two additional activities of loading and/or unloading, under the conditions set out above.</i>	Where a bilateral transport operation starting from the Member State of establishment during which no additional activity was performed is followed by a bilateral transport operation to the Member State of establishment, the exception shall apply for up to two additional activities of loading and/or unloading, under the conditions set out above.	
228.	<i>This exemption shall apply only until the date on which the smart tachograph</i>		

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	<i>complying with the recording of border crossing and additional activities referred to in Article 8(1) subparagraph 1 of Regulation (EU) 165/2014 shall be fitted in the vehicles registered in a Member States for the first time, as specified in Article 8(1) subparagraph 2 of that Regulation. From that date the exemption referred to in the first subparagraph shall apply solely to drivers using vehicles fitted with a smart tachograph as provided in Articles 8, 9 and 10 of that Regulation.</i>		
229.	<i>2b. A driver engaged in international occasional or regular carriage of passengers, as defined in Regulation (EC) No 1073/2009, shall not be considered to be posted for the</i>	2b. For the purpose of international occasional or regular carriage of passengers, as defined in Regulation (EC) No 1073/2009, a bilateral transport operation is the	

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* purpose of Directive 96/71/EC when: - <i>picking up passengers in the Member State of establishment and setting them down in another Member State or a third country; or</i> - <i>picking up passengers in a Member State or a third country and setting them down in the Member State of establishment; or</i> - <i>picking up and setting down passengers in the Member State of establishment for the purpose of local excursions, as defined in Regulation (EC) No 1073/2009.</i>	Council/General Approach, doc. 15084/18 picking up of passengers in the Member State of establishment and setting them down in another Member State or a third country, or again in the Member State of establishment (international closed door tours).	Provisional indications from RO Presidency
230.		2c. For vehicles equipped with a smart tachograph complying with the recording of border crossing and additional	

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			activities referred to in Article 8(1) subparagraph 1 of Regulation (EU) 165/2014, Member States shall also apply the exemption set out in paragraph 2 in respect of passenger transport when the driver performing a bilateral transport operation in addition thereto:	
231.			- picks up passengers once; and/or	
232.			- sets down passengers once in Member States or third countries that the driver crosses, provided that the driver does not offer passenger transport services between two locations within the Member State crossed. The same shall apply to the return journey.	

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233.	2c. <i>A driver performing cabotage as defined by Regulations (EC) No 1072/2009 and 1073/2009 shall be considered to be posted under Directive 96/71/EC.</i>	2d. A driver performing cabotage as defined by Regulations (EC) No 1072/2009 and 1073/2009 shall be considered to be posted under Directive 96/71/EC.	
234.	2d. <i>Notwithstanding Article 2(1) of Directive 96/71/EC, a driver shall not be considered to be posted to the territory of a Member State that the driver transits through without loading or unloading freight and without picking up or setting down passengers.</i>	2e. Notwithstanding Article 2(1) of Directive 96/71/EC, a driver shall not be considered to be posted to the territory of a Member State that the driver transits through without loading or unloading freight and without picking up or setting down passengers.	
235.	2e. <i>In case where the driver is performing the initial or final road leg of a combined transport operation as defined in Directive 92/106/EEC, the driver shall not be considered posted for the purpose of</i>	2f. In case where the driver is performing the initial or final road leg of a combined transport operation as defined in Directive 92/106/EEC, the driver shall not be considered posted for	

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	<i>Directive 96/71/EC if the road leg on its own consists of bilateral transport operations as defined in paragraph 2.</i>	the purpose of Directive 96/71/EC if the road leg on its own consists of bilateral transport operations as defined in paragraph 2.	
236.	2f. Member States shall ensure that, in line with Directive 2014/67/EU, terms and conditions of employment referred to in Article 3 of Directive 96/71/EC, which are laid down in collective agreements in accordance with Article 3(1) and (8) of that Directive are made available in an accessible and transparent way to transport undertakings from other Member States and to posted drivers. The relevant information shall, in particular, cover the different remunerations and their constituent elements, including elements of		

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		<i>remunerations provided for in the locally or regionally applicable collective agreements, the method used to calculate the remuneration due and, where relevant, the qualifying criteria for classification in the different wage categories. In accordance with Directive (EU) 2018/957/EU amending Directive 96/71/EC transport undertakings shall not be penalized for non-compliance with elements of remuneration, the method used to calculate the remuneration due and, where relevant, the qualifying criteria for classification in the different wage categories which are not publically available.</i>		

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237.		2g. <i>Transport undertakings established in a non-member State must not be given more favourable treatment than undertakings established in a Member State.</i>		
238.		<i>Member States shall implement equivalent measures to Directive 96/71/EC and this Directive [XX/XX] (lex specialis) in their bilateral agreements with third countries when granting access to the EU market to road transport undertakings established in such third countries. Member States shall also strive to implement such equivalent measures in the context of multilateral agreements with third countries. Member States shall notify the relevant provisions of their bilateral and multilateral agreements</i>		

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* with third countries to the Commission.	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
239.	<i>For the purpose of ensuring adequate control of these equivalent measures on posting by third country operators, Member States shall ensure that the revised rules in Regulation (EU) XXX/XXX as regards positioning by means of tachograph [Regulation modifying Regulation 165/2014] are implemented in the framework of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR).</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 838 Article 2 – paragraph 2 – subparagraph 2	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
240.				
241.	When the period of posting is longer than 3 days, Member States shall apply points (b) and (c) of the first subparagraph of Article 3 (1) of Directive 96/71/EC for the entire period of posting to their territory during the period of one calendar month referred to in the first subparagraph.	deleted.	deleted.	
242.		Amendment 839 Article 2 – paragraph 3 – introductory part		
243.	3. For the purposes of the calculation of the periods of posting referred to in paragraph 2:	deleted.	deleted.	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 840 Article 2 – paragraph 3 – point a	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
244.				
245.	(a) daily working period shorter than six hours spent in the territory of a host Member State shall be considered as half a day;	deleted.	deleted.	
246.		Amendment 841 Article 2 – paragraph 3 – point b		
247.	(b) a daily working period of six hours or more spent in the territory of a host Member State shall be considered as a full day;	deleted.	deleted.	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 842 Article 2 – paragraph 3 – point c	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
248.				
249.	(c) breaks and rest periods as well as periods of availability spent in the territory of a host Member State shall be considered as working period.	deleted.	deleted.	
250.		Amendment 843 Article 2 – paragraph 4 – introductory part		
251.	4. Member States may only impose the following administrative requirements and control measures:	4. <i>By way of derogation from Article 9 of Directive 2014/67/EU</i> , Member States may only impose the following administrative requirements and control measures:	4. By way of derogation from Article 9 paragraphs 1 and 2 of Directive 2014/67/EU , Member States may only impose the following administrative requirements and control measures with respect to the posting of drivers :	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 844 Article 2 – paragraph 4 point a -- introductory part	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
252.				
253.	(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, in electronic form, in an official language of the host Member State or in English, containing only the following information:	(a) an obligation for the road transport operator established in another Member State to [...] <i>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</i> to the national competent authorities <i>of the Member State to which a driver is posted</i> at the latest at the commencement of the posting, in [...] an official language of the [...] <i>European Union</i>, containing only the following information:	(a) an obligation for the road transport operator established in another Member State to send a posting declaration to the national competent authorities at the latest at the commencement of the posting, [...] using a multilingual standard form of the public interface connected to the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012. The standard form of the posting declaration shall consist of the following information:	

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254.				
255.	(i) the identity of the road transport operator;	(i) the identity of the road transport operator <i>by means of its intra-Community tax identification number or the number of the Community licence</i> ;	(i) the identity of the road transport operator;	
256.	(ii) the contact details of a transport manager or other contact person(s) in the Member State of establishment to liaise with the competent authorities of the host Member State, in which the services are provided and to send out and receive documents or notices;		(ii) the contact details of a transport manager or other contact person(s) in the Member State of establishment to liaise with the competent authorities of the host Member State, in which the services are provided and to send out and receive documents or notices;	
257.		Amendment 846 Article 2 – paragraph 4 – point a -- point iii		
258.	(iii) the anticipated number and the identities of posted	(iii) [...] <i>information about the posted driver including the</i>	(iii) the anticipated number and the identities of posted	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>following: the identity, the country of residence, the country of payment of social contributions, the social security number and the [...] number of the driving licence;</i>	Council/General Approach, doc. 15084/18 drivers;	Provisional indications from RO Presidency
259.	drivers;		(iiia) the starting date of the employment contract of each driver;	
260.		Amendment 847 Article 2 – paragraph 4 – point a -- point iv		
261.	(iv) the anticipated duration, envisaged beginning and end date of the posting;	(iv) the [...] envisaged beginning <i>date and the estimated</i> duration, and end date of the posting <i>and the law applicable to the employment contract;</i>	(iv) the [...] envisaged beginning and anticipated duration [...] of the posting;	
262.		Amendment 848 Article 2 – paragraph 4 – point a -- point iv a (new)		
263.		<i>(iva) for the road haulage operators: the identity and the contact details of</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>consignees, provided that the transport operator does not use e-CMR.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
264.	(v) the number plates of vehicles used in posting;		(v) the number plates of the motor vehicles [...];	
265.	(vi) the type of transport services, that is to say carriage of goods, carriage of passengers, international carriage, cabotage operation;		(vi) the type of transport services, that is to say carriage of goods, carriage of passengers, international carriage, cabotage operation;	
266.		Amendment 849 Article 2 – paragraph 4 – point a -- point vi a (new)		
267.		<i>(via) for the road haulage operators: addresses of loading(s) and unloading(s), provided that the transport operator does not use e-CMR.</i>		
268.		Amendment 850 Article 2 – paragraph 4 – point b		
269.	(b) an obligation for the driver to keep and make available,	(b) an obligation for the <i>road transport operator to</i>	(b) an obligation for the driver to keep and make available,	

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	where requested at the roadside control, in paper or electronic form, a copy of the posting declaration and evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.	<i>ensure that the driver [...] has at his/her disposal</i> , where requested at the roadside control, in paper or electronic form, a copy of the declaration and evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.	where requested at the roadside control, in paper or electronic form: (i) a copy of the posting declaration; (ii) evidence of the transport [...] carriage(s) taking place in the host Member State, such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009;	
270.		Amendment 851 Article 2 – paragraph 4 – point c		
271.	(c) an obligation for the driver to keep and make available, where requested at the roadside control, the tachograph records, and in particular the country codes of Member States where the	(c) an obligation for the [...] <i>road transport operator to ensure that the driver has at his/her disposal</i> where requested at the roadside control, the tachograph records, and in particular	(iii) [...] the tachograph records, and in particular the country codes of Member States where the driver has been present when carrying out international road transport operations or cabotage	

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	driver has been present when carrying out international road transport operations or cabotage operations;	the country codes of Member States where the driver has been present when carrying out international road transport operations or cabotage operations;	operations, in accordance with registration and record-keeping requirements under Regulations (EC) No 561/2006 and (EU) No 165/2014; [...]	
272.		Amendment 852 Article 2 – paragraph 4 – point ca (new)		
273.		(ca) <i>during the roadside checks referred to in points (b) and (c) of this Article, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the requested documents;</i>		
274.		Amendment 854 Article 2 – paragraph 4 – point d		
275.	(d) an obligation for the driver to keep and make available, where requested at the roadside control, in paper or	deleted.	deleted.	

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	electronic form, a copy of the employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC⁹, translated into one of the official languages of the host Member State or into English; _____ ⁹ Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32)			
276.		Amendment 855 Article 2 – paragraph 4 – point e deleted.		
277.	(e) an obligation for the driver to make available, where requested at the roadside	deleted.	deleted.	

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	control, in paper or electronic form, a copy of payslips for last two months; during the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide this copy;			
278.		Amendment 853 Article 2 – paragraph 4 – point f		
279.	(f) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in points (b), (c) and (e), at the request of the authorities of the host Member State within a reasonable period of time;	(f) an obligation for the road transport operator to [...] <i>send via the IMI public interface</i> , after the period of posting [...] copies of documents referred to in points (b) <i>and (c)</i> , at the request of the authorities of the Member State [...] <i>to which a driver is posted as well as documentation of the remuneration of posted drivers which relate to the period of posting and their</i>	[...] (c) an obligation for the road transport operator to deliver, after the period of posting, in paper or electronic form, copies of documents referred to in point (b) [...] as well as documentation of the remuneration of posted drivers which relate to the period of posting and their employment contract or an equivalent document within the meaning of Article 3 of	

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	<i>employment contract or an equivalent document within the meaning of Article 3 of Council Directive 91/533/EEC^{1a}, timesheets relating to the driver's work and proof of payments. The road transport operator shall provide the requested documentation by using the IMI public interface within 2 months from the date of the request. Where the road transport operator fails to provide all requested documentation via the IMI public interface within the set deadline, the competent authorities of the Member State where the posting took place may, in accordance with Articles 6 and 7 of Directive 2014/67, request the assistance of the competent authorities of the Member State of</i>	Council Directive 91/533/EEC, time-sheets relating to the driver's work and proof of payments. In accordance with Articles 6 and 7 of Directive 2014/67/EU the competent authority of the host Member State shall make the corresponding request to the competent authority of the Member State of establishment, which latter shall request that information from the operator. ⁷ Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).	

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>establishment of the operator. When such request is made via IMI, the competent authorities of the Member State of establishment of the operator shall have access to the posting declaration and other relevant information submitted by the operator via IMI public interface. The competent authorities of the Member State of establishment of the operator shall ensure that the documents requested by the competent authorities of the Member State where the posting took place is provided via IMI within 25 working days from the date of the request.</i>	Council/General Approach, doc. 15084/18 However, as regards the documentation and proof of remuneration and proof of payments relating to posted drivers, the Member State may also impose an obligation for the road transport operator to upload documentation to the IMI public interface without undue delay upon request communicated via IMI by the competent authority of the host Member State.	Provisional indications from RO Presidency

COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
280.		In order to ascertain that drivers, in accordance with paragraphs 2 to 2c, are not to be considered posted, Member States may only impose as control measure an obligation for the driver to keep and make available, where requested at the roadside control, in paper or electronic form, the evidence of the relevant international carriage(s) such as an electronic consignment note (e-CMR) or evidence referred to in Article 8 of Regulation (EC) No 1072/2009, and tachograph records referred to in point b) (iii).	

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 856 Article 2 – paragraph 5	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
281.				
282.	5. For the purposes of point (a) of paragraph 4 the road transport operator may provide a posting declaration covering a period of a maximum of six months.	5. For the purposes of point (a) of paragraph 4 the road transport operator may provide a [...] declaration covering a period of a maximum of six months.	5. For the purposes of [...] control , the [...] transport operator [...] shall keep the posting declaration [...] referred to in point (a) of paragraph 4 up to date.	
283.		Amendment 857 Article 2 – paragraph 5 a (new)		
284.		5a. <i>The information from the declarations shall be saved in the repository of IMI for the purpose of checks for a period of 18 months and shall be directly and real time accessible to all competent authorities of other Member States designated in accordance with Article 3 of Directive 2014/67/EU, Article 18 of Regulation (EC) No 1071/2009, and Article 7 of Directive 2006/22/EC.</i>		

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	<i>The national competent authority may allow social partners in accordance with national law and practices access to the information provided that the information:</i> - <i>relates to posting to the territory of the Member State concerned;</i> - <i>is used for the purpose of enforcement of the rules on posting; and</i> - <i>data processing is in line with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 858 Article 2 – paragraph 5 b (new)	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
285.				
286.		<i>5b. The Commission shall adopt implementing acts developing a standardised forms in all official languages of the Union to be used for submitting declarations via the IMI public interface, specify the functionalities of the declaration in the IMI and how the information referred to point (a)(i) to (via) of paragraph 4 is to be presented in the declaration and ensure that those information from declarations are automatically translated in a language of a host Member State. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 2a(2).</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* Amendment 859 Article 2 – paragraph 5 c (new)	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
287.				
288.		5c. <i>Member States shall avoid unnecessary delays in the implementation of the control measures that may affect the duration and dates of the posting.</i>		
289.		Amendment 860 Article 2 – paragraph 5 d (new)		
290.		5d. <i>The competent authorities in the Member States shall cooperate closely and shall provide each other with mutual assistance and all relevant information, within the conditions laid down in Directive 2014/67/EU and in Regulation (EC) No 1071/2009.</i>		
291.			6. By [OJ: 6 months after the entry into force of this amending Directive], the Commission shall specify, by way of implementing act, the functionalities of the posting	

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		declaration in the IMI and how the information referred to in paragraph 4 point (a) (i) to (vi) above is to be presented in the posting declaration. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 2a (2).	
292.	Amendment 861 Article 2 a (new)		
293.	Article 2a	Article 2a	
294.	1. The Commission shall be assisted by the Committee set up by Article 42(1) of Regulation (EU) No 165/2014. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
295.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	

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296.				
297.				
298.		<i>Member States shall provide for penalties against consignors, freight forwarders, contractors and subcontractors for noncompliance with Article 2 of this Directive, where they know, or, in the light of all relevant circumstances ought to know, that the transport services that they commission infringe of this Directive.</i> <i>The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Directive and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.</i>		

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299.		Amendment 863 Article 2 c (new)		
300.		Article 2c		
301.		<i>The Commission shall assess existing instruments and best practices promoting socially responsible behaviour of all actors in the delivery chain for goods and make a legislative proposal to establish a European Platform of Trust, if appropriate, by ...[two years after entry into force of this Directive].</i>		
302.		Amendment 864 Article 2 d (new)		
303.		Article 2d Smart enforcement		
304.		1. <i>Without prejudice to Directive 2014/67/EU and in order to further enforce the obligations stipulated under Article 2 of this Directive, Member States shall ensure that a coherent national enforcement strategy is applied on their territory. That strategy shall focus on</i>		

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	<i>undertakings with a high-risk rating, referred to in Article 9 of Directive 2006/22/EC of the European Parliament and of the Council.</i>		
305.	2. <i>Each Member State shall ensure that the checks provided for in Article 2 of Directive 2006/22/EC will include, where relevant, a check on posting and that these check shall be carried out without discrimination, in particular without discrimination based on the number plates of vehicles used in posting.</i>		
306.	3. <i>Member States shall target those undertakings which are classed as posing an increased risk of infringing the provisions of Article 2 of this Directive, applicable to them. For that purpose, Member States shall, within the risk classification system established by them under Article 9 of Directive 2006/22/EC of the European Parliament and of the</i>		

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	<i>Council and extended in accordance with Article 12 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, treat the risk of such infringements as a risk in its own right.</i>		
307.	4. <i>For the purpose of paragraph 3, Member States shall have access to relevant information and data recorded, processed or stored by the smart tachograph referred to in Chapter II of Regulation (EU) No 165/2014, posting declarations referred to in Article 2 (4) of this Directive and in electronic transport documents, such as electronic consignment notes under the Convention on the Contract for the International Carriage of Goods by Road (eCMR).</i>		

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308.		5. <i>The Commission is empowered to adopt delegated acts to stipulate the characteristics of the data to which Member States shall have access to, the conditions for their use and the technical specifications for their transmission or access, specifying in particular:</i> <i>(a) a detailed list of information and data to which national competent authorities shall have access to, which shall include at least the time and location of border crossings, loading and unloading operations, the registration plate of the vehicle and the driver details;</i> <i>(b) the access rights of the competent authorities, differentiated where appropriate according to the type of competent</i>		
309.				
310.				

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>authorities, the type of access and the purpose for which the data is used;</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
311.		(c) <i>the technical specifications for the transmission or access to the data referred to in point (a), including, where relevant, the maximum duration that the data is retained, differentiated where appropriate according to the type of data.</i>		
312.		6. <i>Any personal data referred to in this Article shall be accessed or stored for no longer than is strictly necessary for the purposes for which the data were collected or for which they are further processed. Once such data are no longer needed for those purposes, they shall be destroyed.</i>		

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313.	7. Member States shall, at least three times per year, undertake concerted roadside checks on posting, which may coincide with checks performed in accordance with Article 5 of Directive 2006/22/EC. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of posting of two or more Member States, each operating in its own territory. Member States shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.		
314.	The summary results of the concerted checks shall be made public in line with Regulation (EU) 2016/679 of the European Parliament and		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
315.		Amendment 865 Article 2 e (new)		
316.		<i>Article 2e</i>		
317.		<i>Amendment to Regulation (EU) No 1024/2012</i>	[NOTE: see Article 3a of the GA]	
318.		<i>In the Annex to Regulation (EU) No 1024/2012 the following points are added:</i>		
319.		<i>“12a. Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and EU No 165/2014 and Directive 2002/15/EC of the European Parliament and of the Council as regards social legislation relating to road transport activities, and</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>repealing Council Directive 88/599/EEC: Article 8</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
320.		<i>12b. Directive of the European Parliament and of the Council of 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: Article 2(5).</i>		
321.		Amendment 866 Article 3		
322.	<i>Article 3</i>	<i>Article 3 Reporting and review</i>	<i>Article 3</i>	
323.		<i>1. Member States shall report annually to the Commission on the implementation of this Directive, in particular on the implementation of smart enforcement referred to in Article 2d and on the potential</i>		

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324.	<i>In order to enable the effectiveness of enforcement information to be assessed, the report shall include information on the effectiveness of:</i>		
325.	<i>- the smart tachograph, referred to in Chapter II of Regulation (EU) No 165/2014;</i> <i>- the use of IMIs, referred to in Article 2 (5a) and (5b) of this Directive;</i>		
326.	<i>- the use of electronic transport documents, such as electronic consignment notes under the Convention on the Contract for the International Carriage of Goods by Road (eCMR);</i>		
327.	<i>- the exchange of information between competent authorities via ERRU and IMI, as well as the information on the effectiveness of authorities direct and real time access to both ERRU and IMI via the EU application during road side checks, as referred to in Articles 8 and 9 of Directive 2006/22/EC; and</i>		
328.			

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329.		- the implementation of the training programme aiming to help drivers and all other actors involved in the procedure, including undertakings, administrations, inspectors to adapt to the new rules and requirements affecting them.		
330.		2. The Commission may adopt implementing acts specifying the format of, and setting guidelines for, the reporting referred to in paragraph 1.		
331.		Those implementing acts may include rules requiring that Member States provide the Commission with data on the traffic flows and data on the Member States of registration of vehicles collected by toll systems in Member States, where such data exists, for the purpose of assessment of the effectiveness of enforcement of this Directive.		

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332.	1. The Commission shall evaluate the implementation of this Directive, in particular the impact of Article 2, by [3 years after the date for transposition of this Directive] and report to the European Parliament and the Council on the application of this Directive. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.	3. <i>No later than 31 December 2025, the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the effectiveness of enforcement, including a cost benefit analysis of use of weighing sensors for the purpose of automatic recording of loading/unloading points. The Commission report shall be accompanied, if appropriate, by a legislative proposal. The report shall be made public.</i>	1. The Commission shall evaluate the implementation of this Directive, in particular the impact of Article 2, by [3 years after the date for transposition of this Directive] and report to the European Parliament and the Council on the application of this Directive. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.	

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333.	2. Following the report referred to in paragraph 1, the Commission shall regularly evaluate this Directive and submit the evaluation results to the European Parliament and the Council.		2. Following the report referred to in paragraph 1, the Commission shall regularly evaluate this Directive and submit the evaluation results to the European Parliament and the Council.	
334.	3. Where appropriate, the reports referred to in paragraphs 1 and 2 shall be accompanied by relevant proposals.		3. Where appropriate, the reports referred to in paragraphs 1 and 2 shall be accompanied by relevant proposals.	
335.		Amendment 867 Article 3 a (new)		
336.		<i>Article 3a</i> <i>Training</i>	<i>Article 3a</i>	
337.		<i>In the interests of ensuring compliance with the provisions of this Directive, both the Commission and the Member States shall establish a comprehensive and integrated programme of training and adaptation to the new rules and requirements for drivers and all</i>		

	COM proposal, COM(2017) 0278 final	European Parliament/ Plenary report P8_TA-PROV(2019)0339* <i>other actors involved in the procedure, undertakings, administrations, inspectors.</i>	Council/General Approach, doc. 15084/18	Provisional indications from RO Presidency
338.		[NOTE: see Article 2a of EP position]	The Annex to Regulation (EU) No 1024/2012 is amended as follows:	
339.			1. the following point is inserted:	
340.			"6a. Directive xxx/xxx/EU laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting of drivers in road transport: Article 2(4).";	
341.			2. the following point is added:	
342.			"7b. Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive	

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			2002/15/EC of the European Parliament and of the Council as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC; Article 8."	
343.		Amendment 868 Article 4 – paragraph 1 – subparagraph 1		
344.	<i>Article 4</i>		<i>Article 4</i>	
345.	1. Member States shall adopt and publish, by [...] [The time limit for transposition will be as short as possible and, generally, will not exceed two years] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	Member States shall adopt and publish, by [...] 30 July 2020 [...] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by 30 July 2020 [...] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	

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346.		Amendment 869 Article 4 – paragraph 1 – subparagraph 1 a (new)		
347.		<i>The transport sector, due to its recognised highly mobile nature, is exempt from the measures deriving from the legislative act amending Directive 96/71/EC until this Directive shall become applicable.</i>		
348.		Amendment 870 Article 4 – paragraph 1 – subparagraph 1 b (new)		
349.		<i>The transport sector is exempt from the measures deriving from the legislative act amending Directive 96/71/EC until the entry into force of enforcement requirements laying down specific rules with respect to transport of this Directive.</i>		
350.	They shall apply those provisions from [...].		They shall apply those provisions from [OJ: insert same date as in previous paragraph] .	

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351.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.		When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	
352.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.		2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	
353.	<i>Article 5</i>		<i>Article 5</i>	
354.	This Directive shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i> .		This Directive shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i> .	

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355.	<i>Article 6</i>		<i>Article 6</i>	
356.	This Directive is addressed to the Member States.		This Directive is addressed to the Member States.	
