

9.4.2014

A7-0249/63

Amendment 63

Thomas Händel, Patrick Le Hyaric, Rina Ronja Kari, Cornelis de Jong, Helmut Scholz, Marie-Christine Vergiat, Jacky Hénin
on behalf of the GUE/NGL Group

Report

A7-0249/2013

Danuta Jazłowiecka

Posting of workers in the framework of the provision of services
COM(2012)0131 – C7-0086/2012 – 2012/0061(COD)

Proposal for a directive

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

1. Member States may impose administrative requirements and control measures ***necessary in order to ensure effective enforcement of this Directive and Directive 96/71/EC***:

Or. en

Justification

Open list instead of a closed list.

9.4.2014

A7-0249/64

Amendment 64

Thomas Händel, Patrick Le Hyaric, Rina Ronja Kari, Cornelis de Jong, Helmut Scholz, Marie-Christine Vergiat, Jacky Hénin
on behalf of the GUE/NGL Group

Report

A7-0249/2013

Danuta Jazlowiecka

Posting of workers in the framework of the provision of services
COM(2012)0131 – C7-0086/2012 – 2012/0061(COD)

Proposal for a directive

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) an obligation for a service provider established in another Member State to make a simple declaration to the responsible national competent authorities ***at the latest at*** the commencement of the service provision, ***whereby the declaration may only cover*** the identity of the service provider, ***the presence of one or more clearly identifiable posted workers, their*** anticipated number, the anticipated duration and ***location of their presence, and*** the services justifying the posting;

Amendment

(a) an obligation for a service provider established in another Member State to make a simple declaration to the responsible national competent authorities ***prior to*** the commencement of the service provision, ***into (one of) the official language(s) of the host Member State, or into (an) other language(s) accepted by the Member State, containing the relevant information necessary in order to allow factual controls at the workplace, including:***

i) the identity of the service provider;

ii) the anticipated number ***of clearly identifiable posted workers;***

iii) the persons referred to under (ca) and (d);

iv) the anticipated duration [...], ***envisaged beginning and end date of the posting;***

v) the address(es) of the workplace; and

vi) the nature of the services justifying the posting;

Or. en

Justification

To prevent abuse and circumvention the competent authorities need to get the relevant information about posting (how many people, identity of the service provider, envisaged beginning and end date...etc.) before the posting and not with the beginning.

9.4.2014

A7-0249/65

Amendment 65

Thomas Händel, Patrick Le Hyaric, Rina Ronja Kari, Cornelis de Jong, Helmut Scholz, Marie-Christine Vergiat, Jacky Hénin
on behalf of the GUE/NGL Group

Report

A7-0249/2013

Danuta Jazłowiecka

Posting of workers in the framework of the provision of services
COM(2012)0131 – C7-0086/2012 – 2012/0061(COD)

Proposal for a directive

Article 9 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) other administrative requirements and control measures if these are deemed necessary in order to ensure effective monitoring of compliance with the obligations set out in Directive 96/71/EC and in this Directive.

Or. en

Justification

Safeguarding of the open list: deleting of 4 conditions "(situations and new developments gives the impression that administrative requirements and control measures are not sufficient or effective) which makes it in fact impossible for Member States to add new control measures. Deletion of "justified and proportionate " because than it is up to the ECJ to allow additional control measures. This is against the principle of subsidiarity.

9.4.2014

A7-0249/66

Amendment 66

Thomas Händel, Patrick Le Hyaric, Cornelis de Jong, Marie-Christine Vergiat
on behalf of the GUE/NGL Group

Report

A7-0249/2013

Danuta Jazłowiecka

Posting of workers in the framework of the provision of services
COM(2012)0131 – C7-0086/2012 – 2012/0061(COD)

Proposal for a directive

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall communicate to the Commission and inform service providers of any measures referred to in paragraphs 1 and 1a that they apply or that have been implemented by them. The Commission shall communicate the provisions concerned to the other Member States. The information for the service providers shall be made generally available on a single national website in the most relevant language(s), as determined by the Member State, taking into account demands in its labour market.

The Commission shall report regularly to the Council on measures communicated by Member States.

Or. en

Justification

It is restricting the subsidiarity of Member States. Deletion of: The Commission shall monitor the application of the measures referred to in paragraph 1 and 1a closely, evaluate their compliance with Union law and shall, where appropriate, take the necessary measures in accordance with its compliance under the Treaty.

9.4.2014

A7-0249/67

Amendment 67

Thomas Händel, Patrick Le Hyaric, Cornelis de Jong, Helmut Scholz, Marie-Christine Vergiat, Jacky Hénin
on behalf of the GUE/NGL Group

Report

A7-0249/2013

Danuta Jazlowiecka

Posting of workers in the framework of the provision of services
COM(2012)0131 – C7-0086/2012 – 2012/0061(COD)

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that trade unions and other third parties, such as associations, organisations and other legal entities which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive are complied with, may engage, on behalf or in support of the posted workers or their employer, **with their approval** in any judicial or administrative proceedings provided for with the objective of implementing this Directive and/or enforcing the obligations under this Directive.

Amendment

3. Member States shall ensure that trade unions and other third parties, such as associations, organisations and other legal entities which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive **and of Directive 96/71/EC** are complied with, may engage, on behalf or in support of the posted workers or their employer, in any judicial or administrative proceedings provided for with the objective of implementing this Directive and **Directive 96/71/EC** and/or enforcing the obligations under this Directive **and Directive 96/71/EC**.

Or. en

9.4.2014

A7-0249/68

Amendment 68

Thomas Händel, Patrick Le Hyaric, Rina Ronja Kari, Cornelis de Jong, Paul Murphy, Helmut Scholz, Marie-Christine Vergiat, Jacky Hénin
on behalf of the GUE/NGL Group

Report

A7-0249/2013

Danuta Jazlowiecka

Posting of workers in the framework of the provision of services
COM(2012)0131 – C7-0086/2012 – 2012/0061(COD)

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

With respect to the construction activities referred to in the Annex to Directive 96/71/EC, for all posting situations covered by Article 1(3) of Directive 96/71/EC, the Member States shall ensure on a non-discriminatory basis with regard to the protection of the equivalent rights of employees of direct subcontractors established in its territory, that the contractor of which the employer (service provider or temporary employment undertaking or placement agency) is a direct subcontractor can, in addition to or in place of the employer, be held liable by the posted worker and/or common funds or institutions of social partners for non-payment of the following:

In order to tackle fraud and abuse, Member States may, after consultation of the relevant social partners, in accordance with national law and/or practice, take additional measures a non-discriminatory and proportionate basis in order to ensure that in subcontracting chains the main contractor can, in addition to or in place of the subcontractor, be held liable by the posted worker with respect to any outstanding net remuneration corresponding to the minimum rates of pay and/or contributions due to common funds or institutions of social partners in so far as covered by Article 3 of Directive 96/71/EC.

Or. en

Justification

Liability in subcontracting chains: the subcontractor should be liable in addition or in place of the main contractor. It is important to prevent abuse and circumvention.

9.4.2014

A7-0249/69

Amendment 69

Thomas Händel, Patrick Le Hyaric, Rina Ronja Kari, Cornelis de Jong, Paul Murphy, Helmut Scholz, Marie-Christine Vergiat, Jacky Hénin
on behalf of the GUE/NGL Group

Report

A7-0249/2013

Danuta Jazlowiecka

Posting of workers in the framework of the provision of services
COM(2012)0131 – C7-0086/2012 – 2012/0061(COD)

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

2. Member States shall provide ***that a contractor who has undertaken due diligence shall not be liable in accordance with paragraph 1. Such systems shall be applied in a transparent, non discriminatory and proportionate way. They may imply preventive measures taken by the contractor concerning proof provided by the subcontractor of the main working conditions applied to the posted workers as referred to in Article 3 (1) of Directive 96/71/EC, including pay slips and payment of wages, the respect of social security and/or taxation obligations in the Member State of establishment and compliance with the applicable rules on posting of workers.***

Amendment

2. Member States shall provide ***for measures ensuring that in subcontracting chains, posted workers can hold the main contractor liable, in addition to or in place of the employer, with respect to any outstanding net remuneration corresponding to the minimum rates of pay and/or contributions due to common funds or institutions of social partners in so far as covered by Article 3 of Directive 96/71/EC.***

Or. en

Justification

Liability schemes should be possible in all sectors not only in the construction sector (Annex to Directive 96/71/EC). Abuse and circumvention also happen in the meat packing sector, tourist sector etc.

9.4.2014

A7-0249/70

Amendment 70

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on behalf of the GUE/NGL Group

Report

A7-0249/2013

Danuta Jazlowiecka

Posting of workers in the framework of the provision of services
COM(2012)0131 – C7-0086/2012 – 2012/0061(COD)

Proposal for a directive

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may, in conformity with Union law, provide for more stringent liability rules under national law ***on a non-discriminatory and proportionate basis*** in regard to the scope and range of ***subcontractor*** liability. Member States may also, in conformity with Union law, provide for such liability in sectors other than those contained in the Annex to Directive 96/71/EC. ***Member States may in these cases provide that a contractor that has undertaken due diligence as defined by national law shall not be liable.***

3. Member States may, in conformity with Union law, ***equally*** provide for more stringent liability rules under national law in regard to the scope and range of ***subcontracting*** liability. Member States may also, in conformity with Union law, provide for such liability in sectors other than those contained in the Annex to Directive 96/71/EC.

Or. en

Justification

Deletion of the condition (non-discriminatory and proportionate basis in regard to the scope an the range of subcontracting liability) Could bring existing systems under pressure. Decision lies in the hand of the EJC instead of the Member States.