

Minimum breaks and rest periods in occasional road passenger transport

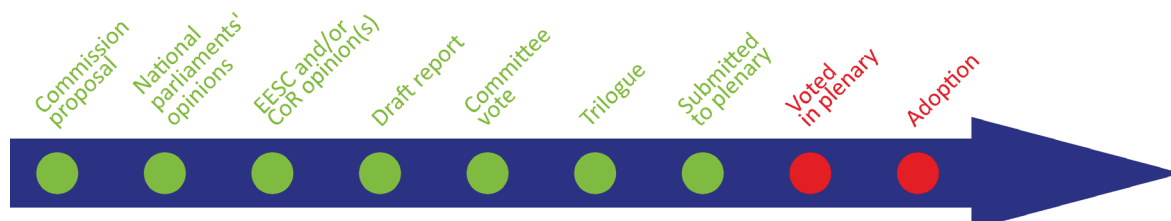
OVERVIEW

The current Regulation (EC) No 561/2006 on minimum breaks and rest periods for road freight and passenger transport drivers does not take into account the nature of occasional bus and coach services, and their drivers' specific needs. The European Commission has therefore proposed to amend this legislation and to introduce more flexible rules on splitting up breaks and taking daily and weekly rest periods.

In the European Parliament, the Committee on Transport and Tourism (TRAN) is responsible for the file. The TRAN report was adopted in committee on 16 November 2023 and voted in plenary on 12 December 2023. The Council agreed its position on 4 December 2023. Interinstitutional negotiations resulted in a provisional agreement, which was approved in committee on 14 February 2024 and is scheduled for a plenary vote during the March session.

Proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards minimum requirements on minimum breaks and daily and weekly rest periods in the occasional passenger transport sector

<i>Committee responsible:</i>	Transport and Tourism (TRAN)	COM(2023) 256 24.5.2023
<i>Rapporteur:</i>	Henna Virkkunen (EPP, Finland)	2023/0155(COD)
<i>Shadow rapporteurs:</i>	Isabel García Muñoz (S&D, Spain) Caroline Nagtegaal (Renew, Netherlands) Ciarán Cuffe (Greens/EFA, Ireland) Roberts Zile (ECR, Latvia) Kateřina Konečná (GUE/NGL, Czechia)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Vote in plenary on first-reading position	



Introduction

Driver fatigue, which causes poor steering control, decreased reaction time, poor speed tracking and loss of attention, is a major [risk factor](#) that can endanger drivers, passengers and other road users. Road accidents involving heavy vehicles tend to have more serious consequences than other collisions. According to [surveys](#), over 50 % of long-haul drivers have at some time almost fallen asleep at the wheel.

Professional drivers' working conditions and their level of fatigue are strongly correlated. Long working hours leave insufficient time for recuperation and restorative sleep. However, drivers often choose these long working hours voluntarily, owing to the relatively low wages in the sector. Other factors increasing fatigue include the interruption of rest and sleeping hours by other activities (such as loading and unloading, assisting passengers, cleaning, route planning, administrative tasks), bad sleeping conditions, schedule pressure, and rotating shifts with frequent changes in work–rest schedules.

Over the years, a number of [measures](#) to prevent driver fatigue have been developed. Some aim to develop better road infrastructure and better resting locations, while others seek to raise awareness among employers and drivers, support the development of fatigue-detection technologies, or introduce stricter legislation on rest and driving times. The European Commission has imposed [rules](#) on drivers of heavy vehicles to improve their safety since 1985.

Existing situation

Drivers' driving and resting times are currently governed by [Regulation \(EC\) No 561/2006](#), last [amended](#) on 31 July 2020. The regulation applies to two types of drivers: firstly, to those engaged in the carriage by road of goods by vehicles whose maximum permissible mass exceeds 3.5 tonnes;¹ and secondly, to drivers engaged in the carriage of passengers by vehicles that are built – or have been permanently adapted – to carry more than nine people, including the driver.

As also stated in the Commission's ex-post evaluation of EU social legislation in road transport (see section 'Preparation of the proposal'), a problematic point of the regulation in force is that it does not distinguish between drivers involved in the carriage of passengers and those carrying goods, or between those carrying passengers on a regular basis and those on an occasional basis. However, the occasional-passenger transport sector has different characteristics compared with freight transport and regular-passenger transport. Occasional-passenger transport is characterised by high seasonality: peaks in demand for trips at certain periods of the year exist, mostly during winter and summer holidays. Another characteristic is the changing driving distance during the trip, depending on the touristic activities undertaken by the passengers. In general, longer distances are driven at the beginning and end of the tour, and shorter distances at the place of tourist activities. In addition, drivers might be requested by passengers to make additional, unplanned stops or to change routes. All this means that in the case of occasional passenger transport, working conditions of drivers are different; uniform rules on driving times, minimum breaks and rest periods are therefore inappropriate for them and should be adapted.

The [regulation in force](#) sets maximum daily and weekly driving times, minimum break periods, and minimum daily and weekly rest periods for drivers in the commercial transport sector as follows.

- The daily driving period should not exceed 9 hours, with an exemption of twice a week, when it can be extended to 10 hours.
- The total weekly driving time may not exceed 56 hours, and the total fortnightly driving time may not exceed 90 hours.
- The daily rest period should be at least 11 hours. Exceptionally, it can go down to 9 hours maximum three times a week. Daily rest can be split into 3 hours' rest followed by 9 hours' rest to make a total of 12 hours' daily rest.

- Breaks of at least 45 minutes (separable into 15 minutes followed by 30 minutes) should be taken after 4.5 hours' driving at the latest.
- Weekly rest is 45 continuous hours, which can be reduced every second week to 24 hours. Compensation arrangements apply for reduced weekly rest period. Weekly rest is to be taken after 6 working days, except for coach drivers engaged in a single occasional service of international passenger transport. In this case, the weekly rest period can be postponed after 12 days.
- Daily and/or weekly driving times may be exceeded in exceptional circumstances by up to 1 hour, to enable the driver to reach their place of residence or the employer's operational centre in order to take a weekly rest period.
- Exceeding the daily and/or weekly driving times by up to 2 hours is also allowed to enable the driver to reach their place of residence or the employer's operational centre in order to take a regular weekly rest period.
- The compliance with these provisions monitored and controlled on national and international level via checking tachograph records at the roadside and at the premises of undertakings.

[Regulation \(EC\) No 1073/2009](#) amended Regulation (EC) No 561/2006, introducing the '12-day rule' – meaning that coach drivers engaged in providing a single occasional passenger service may work for up to 12 consecutive days (instead of a maximum of 6), provided that it is an international transport occasional service that includes at least one 24-hour break period.

Parliament's starting position

The European Parliament has adopted several resolutions emphasising the importance of road safety. In a 2005 [resolution](#), it called on the Commission to develop a long-term plan that would set out measures intended to prevent all road deaths ('Vision Zero'). It reiterated this call in a 2011 [resolution](#) on European road safety for the 2011-2020 period.

In its [legislative resolution](#) on the revision of Regulation (EC) No 561/2006 by Regulation (EU) 2020/1054, Parliament pointed the importance of enhancing the respect of the maximum driving periods per day and per week set out by the Commission, as they are effective in improving road drivers' social conditions and road safety in general. It also asks for clarification of some of the regulation's terms, such as weekly rest requirements as regards the place where the weekly rest should occur. The resolution supported the mandatory use of smart tachographs and the appropriate equipment of enforcement authorities to exploit the information that the smart tachographs can provide.

Preparation of the proposal

The adequacy of the existing rules is a recurrent topic in the occasional transport sector. It was also the subject of an [ex-post evaluation](#) of EU social legislation in road transport,² carried out between 2015 and 2017 as part of the regulatory fitness programme (REFIT). The evaluation showed that some of the uniform rules on minimum breaks and rest periods are inappropriate for the specific characteristics of occasional road passenger services.

However, during the preparation of the legislative proposal following the evaluation, the Commission chose first to address the problems of drivers engaged in freight transport, such as long periods away from home and inadequate working and resting conditions, and to leave passenger transport-related problems to a later stage. The first [proposal](#) for a revision of Regulation (EC) No 561/2006 (published by the Commission as part of the mobility package in May 2017, and adopted as [Regulation \(EU\) 2020/1054](#)) did thus not address the problems encountered by drivers working in occasional-passenger transport by bus and coach.

On 21 January 2021 the Commission published an [inception impact assessment](#) and a [roadmap](#) for a new initiative, aiming to address the specific needs of bus and coach drivers in organising their

working time. The initiative included a feedback period that ended on 18 February 2021, with [replies](#) received from 87 actors: citizens, national and regional authorities, employees' and employers' organisations, and companies. Most respondents were against changing the current regulation.

A [public consultation](#) subsequently took place between 23 November 2021 and 15 February 2022, including professional drivers, bus and coach operators, representative organisations, trade unions, national enforcement authorities, as well as citizens, with feedback from 170 different actors. The consultation outcome was that the majority of respondents were not, or not fully, satisfied with the current regulation in terms of working patterns, work-life balance, work intensity or the management of drivers' stress and fatigue. Most respondents were in favour of splitting up breaks more flexibly (for instance, 15 + 30 minutes or three times 15 minutes), and supported a more flexible organisation of rest periods during and after the trips.

The changes the proposal would bring

The Commission published its [proposal](#) on 24 May 2023. The aim of the proposed revision of Regulation (EC) No 561/2006 is to ensure fair competition and improve working conditions and road safety. The proposal aims to take into account specific needs of coach and bus drivers working in occasional passenger transport, and to adapt the rules according to their needs.

More specifically, it seeks to: (i) ensure a more flexible distribution of breaks and rest periods; and (ii) lay down equal treatment between international and domestic occasional passenger transport operations. It does not introduce any changes to the total minimum duration of breaks or rest periods, or to maximum driving times. It also seeks to guarantee efficient and high-quality occasional-passenger transport services and improve working and driving conditions for drivers, in particular to minimise their stress and fatigue.

The proposal introduces three main changes in occasional passenger transport:

- **Breaks:** drivers should be able to split their breaks (minimum 45 minutes for 4.5 hours' driving) into two periods of minimum 30 and 15 minutes, or into three periods of 15 minutes each. This would enable them to take breaks more flexibly and at convenient times. The rules in force only allow them to split these 45-minute breaks into 15 minutes first and 30 minutes later (but not the other way round).
- **Daily rest periods:** drivers should be able to postpone the start of their daily rest period by 1 hour if the total daily driving period for the day in question does not exceed 7 hours, or to postpone this rest period by 2 hours if the total daily driving period does not exceed 5 hours. These derogations should only be possible in the case of a trip of 8 days or longer. The new rules would not change the duration of the regular daily rest period, which remains at a minimum of 11 consecutive hours within 24 hours.
- **Weekly rest periods:** the rules for occasional passenger transport services taking place within a single country would be aligned with the rules for international services, allowing drivers to postpone the weekly rest period for up to 12 consecutive days. This is already possible for international occasional passenger transport, something that creates a disadvantage for operators of domestic services. The conditions for using 12-day derogation would remain the same: the driver has to take a regular weekly rest period (minimum 45 hours) before the trip, and two weekly rest periods (minimum 90 hours) after the trip.

Advisory committees

The European Economic and Social Committee (EESC) published its [opinion](#) on 21 September 2023. The EESC highlights the occasional transport sector's problems (such as staff shortages, ageing workforce, difficulties in reconciling work and family life, or circumvention of existing rules). It points out the dangers of an increased labour flexibility in the sector that would worsen drivers' working

conditions and thus further reduce people's interest in doing this job. The opinion welcomes that the proposed regulation does not introduce any changes to the minimum duration of breaks or rest periods, nor to maximum driving times. The EESC proposes to pay more attention to the issue of effective implementation and enforcement of existing rules, not least through the use of digital tools to conduct inspections.

The European Committee of the Regions (CoR) decided not to issue an opinion.

National parliaments

The [deadline](#) for the submission of reasoned opinions on the grounds of subsidiarity was 20 July 2023. No subsidiarity concerns were raised by the national parliaments.

Stakeholder views³

During the feedback period (24 May and 19 July 2023) after the publication of the Commission proposal, [replies](#) from 22 stakeholders were received, mostly from business associations and companies, but also from regional authorities.

Transport companies and associations generally welcomed the proposal because of the additional flexibility in breaks and rest periods it offers, and because it reflects and respects both the sector's and coach drivers' specific needs.

The International Transport Union (IRU) welcomes the proposal to revise existing driving and resting time rules. However, it believes that additional flexibility is needed to reflect occasional bus and coach drivers' specific working conditions. IRU therefore asks for [additional changes](#). These concern equal rights for drivers engaged in national tourism, as well as more flexibility for coach tourism drivers in taking weekly rest, owing to the high seasonality of the tourism business. IRU is also calling to digitalise journey forms in order to facilitate enforcement of new rules.

[Representatives](#) of the island nations' road haulage industry, such as the Irish Road Haulage Association, are asking for additional flexibility in exceeding daily and weekly driving times on a homeward/return ferry journey, to allow drivers to reach the ferry, as ferries have a fixed schedule.

The European Transport Workers Federation (ETF), representing transport trade unions, explains in a [policy paper](#) that current driving and resting time rules have the potential to guarantee a decent work environment in road passenger transport, and that there is no reason to revise them. ETF is worried that the extension of the '12-day derogation', as well as more flexibility in splitting up daily breaks (which will possibly result in bus and coach drivers losing their regular daily breaks) could lead to even worse working conditions, more fatigue, less road safety and increased driver shortage. ETF therefore calls on the Commission to reconsider its proposal, prioritising the safety of passengers and drivers.

Legislative process

In the **European Parliament**, the Committee on Transport and Tourism (TRAN) is responsible for the file, with Henna Virkkunen (EPP, Finland) as rapporteur. The committee referral was announced on 1 June 2023. The Committee on Employment and Social Affairs (EMPL) was asked to give an opinion (rapporteur: Marianne Vind, S&D, Denmark). The TRAN committee's [draft report](#) of 11 September 2023 highlights the following points:

- importance of proper enforcement of the current legislation, with slight adaptation to occasional passenger services;
- need to adapt breaks to natural stops in occasional passenger transport;
- possibility of postponing daily and weekly rest periods;
- use of digital journey forms.

The deadline for amendments was 26 September 2023. On 16 November 2023, TRAN adopted the [report](#) with 31 votes in favour, 5 votes against, and 1 abstention. The rapporteur welcomes the Commission proposal in general terms, recognising that it is needed because of the occasional passenger transport sector's specific characteristics. As Regulation (EC) No 561/2006 on driving and resting times was reviewed as recently as 2020, this regulatory update should remain limited to occasional passenger services. The aim of the rules should remain the same, namely harmonising the conditions of competition while improving working conditions and road safety.

While the focus should be on proper enforcement and control of existing rules, a slight adaptation is justified, to serve the occasional passenger transport sector's specific needs more effectively. Additional flexibility is needed without endangering road safety, working conditions and enforceability of the rules.

Concerning breaks, the report notes that the current rules are often not well aligned with the natural stops on occasional passenger journeys. To be able to provide quality occasional passenger transport services, drivers need to be able to adapt to changing circumstances. Contrary to the Commission proposal of up to three separate breaks, the report proposes only two splits of the 45-minute break period.

As regards rules on daily rests, the report supports the possibility of postponing the start of the daily rest by 1 hour on journeys of at least 6 days, and not by 2 hours as provided in the Commission proposal. Contrary to freight transport or regular passenger transport, occasional passenger transport is characterised by longer distances driven at the beginning and the end of the tour, and by shorter driving times at places where the tourist activities take place. Postponing the start of the daily rest by 1 hour twice during the tour, without exceeding driving time or reducing daily rest, would bring the rules closer to the passenger groups' genuine needs.

The report also supports the Commission's proposal to allow drivers to postpone their weekly rest period by up to 12 days on national journeys, the same way as on international journeys. This alignment of the rules for national and international services is necessary for the single market's proper functioning and for organising enforcement and control.

Moreover, the report focuses on taking advantage of digital tools to ensure effective and efficient enforcement. It also asks the Commission to develop a multilingual interface, which would allow operators to upload their digital journey forms, replacing paper forms. Digital journey forms should be registered electronically prior to the start of the journey, in addition to the tachograph records, and should be accessible in real time during roadside checks.

Furthermore, the report aims to introduce the obligation from the Commission to assess the new rules' impact 2 years after their entry into force.

Parliament's EMPL committee submitted its [opinion](#) on the proposal on 7 November 2023. The opinion focuses on the specific working environment of drivers in seasonal occasional road passenger transport, for instance:

- difficulties with recording working hours in situations when different tasks are mixed;
- engagement in other transport operations during off-peak seasons;
- performing additional activities such as frequent interactions with passengers, vehicle maintenance and cleaning, or loading and unloading baggage.

The EMPL opinion also proposes that social partners at EU and national levels be invited to undertake joint actions, develop guidelines and issue recommendations. The Commission should regularly monitor the working conditions and the enforcement of the existing rules in the occasional passenger transport sector, and assess the impact of the rules on road safety in this context.

In the **Council**, discussions started within the working party on land transport on 7 June 2023 under the Swedish Presidency. During the meeting of the working party on 13 November 2023, Member States generally [supported](#) the introduction of more flexible rules for drivers in occasional passenger

transport services. Views differed concerning the desired scope of the flexibility and related safeguards, in particular as regards the minimum breaks in driving time, as well as the postponement of the start of the daily rest. Several Member States also expressed concerns about the controllability in terms of the complexity of resulting rules, of technical control means and of supporting documents on board of the bus.

On 4 December 2023, the Council adopted its [common position](#) (general approach) on the Commission proposal. The general approach allows up to 3 daily breaks of at least 15 minutes each, provided that the total accumulated daily driving time for that day does not exceed 7 hours. Drivers should be able to postpone the start of their daily rest periods for a maximum period of 1 hour, in cases where the driving period for that day has not exceeded 7 hours, and should postpone the start only when carrying out single occasional services of 6 days or longer. The possibility to postpone the weekly rest period for up to 12 consecutive 24-hour periods should also be open to national passenger services for more equity. On control provisions, the Council's general approach provides that the required documentation for using the derogations be a single one, namely a journey form on board of the vehicle. The on-board documentation extends to previous trips during a certain period of time, for which copies need to be carried on board, either in paper or electronic form.

On 12 December 2023, Parliament's plenary voted on the TRAN committee report (partial vote at first reading) and referred the matter back to the committee for interinstitutional negotiations.

On 9 February 2024, the co-legislator reached a [provisional agreement](#), which was approved by the TRAN committee on 14 February 2024. The provisional agreement maintains the core elements of the Commission proposal while amending certain points, primarily concerning regulations on rest periods. These include:

- the flexibility in how to split the mandatory minimum rest period of 45 minutes into two breaks, to be taken within the 4.5-hour driving period;
- providing the option to delay the daily rest period by 1 hour, as long as the total driving time for that day does not exceed 7 hours. This option can be used once during a journey lasting at least 6 days, or twice during a journey spanning at least 8 days;
- allowing the postponement of the weekly rest period for a maximum of 12 consecutive days following a previously completed regular weekly rest period.

The text agreed during interinstitutional negotiations is set to be voted during the March plenary session.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Scordamaglia D., [Road transport: Driving, breaks, rest times and tachographs](#), EPRS, 2017.

OTHER SOURCES

European Parliament, [Minimum requirements on minimum breaks and daily and weekly rest periods in the occasional passenger transport sector](#), Legislative Observatory (OEIL).

ENDNOTES

- ¹ As of 1 July 2026, it will also apply to vehicles whose maximum permissible mass exceeds 2.5 tonnes, when engaged in international transport operations or in cabotage operations.
- ² Regulation (EC) No 561/2006 on driving times, breaks and rest periods of drivers, Directive 2002/15/EC on the working time of road transport mobile workers and Directive 2006/22/EC on enforcement requirements.
- ³ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2024.

eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)

Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.