

**AMENDMENTS 001-019**

by the Committee on Transport and Tourism

**Report****Henna Virkkunen****A9-0370/2023**

Minimum requirements on minimum breaks and daily and weekly rest periods in the occasional passenger transport sector

Proposal for a regulation (COM(2023)0256 – C9-0178/2023 – 2023/0155(COD))

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**Amendment 1****Proposal for a regulation****Recital 3***Text proposed by the Commission*

(3) However, the specificities of the occasional road passenger transport sector are not shared by the road freight transport or the regular road passenger transport sector. Occasional road passenger transport is characterised by high seasonality and different lengths of time spent driving which depend on the touristic activities undertaken by passengers. It needs to accommodate unscheduled and impromptu requests from passengers in terms of additional stops and changes of the route or the schedule, wherever feasible. Occasional road passenger transport generally involves less driving time when compared to freight transport or regular bus services. In addition drivers usually sleep in hotels, and seldom drive at night. On the other hand, drivers during the working time may be subject to some additional activities, often resulting from

*Amendment*

(3) However, the specificities of the occasional road passenger transport sector are not shared by the road freight transport or the regular road passenger transport sector. Occasional road passenger transport is characterised by high seasonality and different lengths of time spent driving **as well as different driving distances** which depend on the touristic activities undertaken by passengers. It needs to accommodate **to passenger needs such as** unscheduled and impromptu requests from passengers in terms of additional stops and changes of the route or the schedule, wherever feasible. Occasional road passenger transport generally involves less driving time when compared to freight transport or regular bus services. In addition drivers usually sleep in hotels, and seldom drive at night. On the other hand, drivers during the working time may be

interactions with passengers.

subject to some additional activities, often resulting from interactions with passengers.

## Amendment 2

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) More flexible rules in the scheduling of the breaks and rest periods of drivers engaged in occasional road passenger transport services should in no way jeopardise the safety of drivers, road safety, increase the level of fatigue of drivers or lead to a deterioration in working conditions. Such flexibility should therefore not alter the current rules on the total minimum breaks, on maximum driving periods per day and per week **and** on the maximum fortnightly driving time.

*Amendment*

(6) More flexible rules in the scheduling of the breaks and rest periods of drivers engaged in occasional road passenger transport services should in no way jeopardise the safety of drivers, road safety, increase the level of fatigue of drivers or lead to a deterioration in working conditions. Such flexibility should therefore not alter the current rules on the total minimum breaks, on maximum driving periods per day and per week, on the maximum fortnightly driving time **and on maximum working time.**

## Amendment 3

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

(8) More flexibility in the scheduling of breaks for drivers engaged in occasional road passenger transport services should not **prevent those** drivers **from taking** breaks of the minimum duration necessary to enable them to rest properly. Therefore, it is appropriate to set a minimum duration for each break. Therefore, drivers engaged in occasional road passenger transport services should be allowed to split their obligatory break into **three separate** breaks of at least 15 minutes each, **in addition to the other possibility of splitting a break.**

*Amendment*

(8) More flexibility in the scheduling of breaks for drivers engaged in occasional road passenger transport services should not **cause in any way more fatigue or stress for the** drivers **and it should be ensured that they take** breaks of the minimum duration necessary to enable them to rest properly **and sufficiently.** Therefore, it is appropriate to set a minimum duration for each break. Therefore, drivers engaged in occasional road passenger transport services should be allowed to split their obligatory break into **two** breaks of at least 15 minutes each **while respecting the total required minimum rest time of 45 minutes. More**

*flexibility in the scheduling of these breaks, however, should not prevent drivers from having breaks longer than the required minimum duration or having additional breaks.*

#### Amendment 4

##### Proposal for a regulation

##### Recital 9

###### *Text proposed by the Commission*

(9) To ensure that greater flexibility in the scheduling of rest periods of drivers engaged in occasional road passenger transport services is not abused, it is essential to clearly delimit the scope of such flexibility and also to provide for appropriate checks. Drivers should therefore be able to postpone the start of their daily rest periods for a maximum period of 1 *or 2 hours*, in cases where the driving period for that day has not exceeded 5 *or 7* hours respectively, and should postpone the start only when carrying out journeys of 8 days or longer. Such flexibility should be *further* limited *to only one of each derogation* during the period of the tour. *It should be also possible* to counter check such circumstances *with a* printout from the recording equipment or the duty roster, *in addition to the tachograph records*.

###### *Amendment*

(9) To ensure that greater flexibility in the scheduling of rest periods of drivers engaged in occasional road passenger transport services is not abused, it is essential to clearly delimit the scope of such flexibility and also to provide for appropriate checks *by the competent national authorities and supported by the European Labour Authority (ELA)*. Drivers should therefore 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 respectively, and should postpone the start only when carrying out journeys of 6 days or longer. *For journeys of at least 6 days the drivers should be allowed to once postpone their daily rest by 1 hour*. Such flexibility should *not jeopardise road safety and should* be limited during the period of the tour. *With a view to effective and efficient enforcement and in order* to counter check such circumstances, *a digital journey form should be electronically registered prior to the start of the journey in addition to the tachograph records and the* printout from the recording equipment or the duty roster.

#### Amendment 5

##### Proposal for a regulation

##### Recital 10

*Text proposed by the Commission*

(10) Limiting the possibility to postpone the weekly rest period for up to 12 consecutive 24-hour periods exclusively to occasional international passenger services has a negative impact in terms of undistorted and fair competition between operators, especially small and medium enterprises. Occasional national passenger services might as well provide their services under the same conditions as occasional international passenger services in terms of the distance travelled or the duration or services rendered to passengers. Occasional national passenger services should therefore also benefit from such possibility.

*Amendment*

(10) Limiting the possibility to postpone the weekly rest period for up to 12 consecutive 24-hour periods exclusively to occasional international passenger services has a negative impact in terms of ***equal treatment and*** undistorted and fair competition between operators, especially small and medium enterprises. Occasional national passenger services might as well provide their services under the same conditions as occasional international passenger services in terms of the distance travelled or the duration or services rendered to passengers. Occasional national passenger services should therefore also benefit from such possibility.

**Amendment 6**

**Proposal for a regulation**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) In order to ensure effective and efficient enforcement, improved control measures and requirements should be established taking full advantage of digital tools. To allow for checks on the derogation to postpone the daily rest period and the possibility to postpone the weekly rest period for up to 12 consecutive 24 hour periods, a digital journey form should be electronically registered prior to the start of the journey in addition to the tachograph records and the printout from the recording equipment or the duty roster. The digital forms should be accessible in real time during road side checks and be solely used for controls of compliance and enforcement. For this purpose the Commission should develop a multilingual interface on the basis of the Internal Market Information (IMI) system to allow operators to upload their***

*digital journey forms.*

## **Amendment 7**

### **Proposal for a regulation Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

*(10b) To ensure efficient and high-quality occasional passenger transport services as well as good working and driving conditions for drivers, the Commission should carry out an assessment report two years after the adoption of these new rules in order to study their effect on working conditions and the attractiveness of the sector as well as to evaluate the enforcement of these rules. When relevant, the Commission should consider proposing new measures based on the findings of the report.*

## **Amendment 8**

### **Proposal for a regulation Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*(11a) Proper enforcement of rules is a precondition for a functional single market and the respect of the interests of drivers, passengers and businesses. Social Partners at European and national level can play an essential role in the enforcement of existing regulations on driving and working time of road transport workers, including drivers of occasional road passenger services. The Union and the Member States should promote cooperation with and between Social Partners and enforcement authorities, with the objective to contribute to the proper implementation of the provisions of this Regulation, including developing guidelines and*

*issuing recommendations. The Commission and the Member States may provide Social Partners with relevant information in this regard. In order to ensure uniform conditions for the implementation of this Regulation, the Commission, after receiving inputs from the interested stakeholders, should prepare guidelines to promote a common approach on the application of this Regulation across the Union, with a view to establish a common interpretation by enforcement authorities of the provisions of this Regulation;*

## **Amendment 9**

### **Proposal for a regulation Recital 11 b (new)**

*Text proposed by the Commission*

*Amendment*

*(11b) In order to allow for proper enforcement of this Regulation, the Commission should submit a new proposal amending Regulation (EU) No 165/2014 and other relevant legislation in such a way to facilitate the verification of compliance by control authorities, in order that the smart tachograph should also records whether the vehicle has been employed for the carriage of goods or passengers, as required by Regulation (EC) No 561/2006, and, if the carriage of passenger is regular or occasional.*

## **Amendment 10**

### **Proposal for a regulation Article 1 – paragraph 1 – point 2 Regulation (EC) No 561/2006 Article 7 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

For a driver engaged in an occasional passenger service the break referred to in

For a driver engaged in an occasional passenger service the break referred to in

the first paragraph may also be replaced by **three** breaks of at least 15 minutes each, distributed over the driving period referred to in the first paragraph, in such a way as to comply with the first paragraph.;

the first paragraph may also be replaced by **two** breaks, of at least 15 minutes each, distributed over the driving period referred to in the first paragraph, in such a way as to comply with the first paragraph.;

## Amendment 11

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 561/2006

Article 8 – paragraph 2a – subparagraph 1

#### *Text proposed by the Commission*

2a. Provided that road safety **is** not thereby jeopardised, a driver engaged in **an** occasional passenger service with a duration of at least **8** days may derogate from paragraph 2, first subparagraph, **in the following ways:**

#### *Amendment*

2a. Provided that road safety **and the working conditions of the driver are** not thereby jeopardised, a driver engaged in **a single** occasional passenger service **accompanied by one journey form,** with a duration of at least **6** days may derogate from paragraph 2, first subparagraph **by postponing the daily rest period by at most 1 hour, provided that the total accumulated driving time for that day has not exceeded 7 hours and the maximum daily working time under the applicable law is respected;**

## Amendment 12

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 561/2006

Article 8 – paragraph 2a – subparagraph 1 – point a

#### *Text proposed by the Commission*

**(a) postponing the daily rest period by at most 1 hour, provided that the total accumulated driving time for that day has not exceeded 7 hours;**

#### *Amendment*

**deleted**

## Amendment 13

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 561/2006

Article 8 – paragraph 2a – subparagraph 1 – point b

*Text proposed by the Commission*

*Amendment*

***(b) postponing the daily rest period by at most 2 hours, provided that the total accumulated driving time for that day has not exceeded 5 hours.***

***deleted***

**Amendment 14**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 561/2006

Article 8 – paragraph 2a – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***Each of the derogations referred to in the first subparagraph, points (a) and (b), may be used only once during the journey referred to in the first subparagraph.***

***Such a derogation*** may be used only once during the journey referred to in the first subparagraph.

**Amendment 15**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 561/2006

Article 8 – paragraph 6a – subparagraph 1 – point a

*Text proposed by the Commission*

*Amendment*

***(a) the service lasts at least 24 consecutive hours;***

***deleted***

**Amendment 16**

**Proposal for a regulation**

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

Regulation 2006/561/EC

Article 8 – paragraph 6a – subparagraph 1 – point ab (new)



*Text proposed by the Commission*

*Amendment*

***(ba) in paragraph 6a, first subparagraph, the following point is inserted:***

***(ab) a digital journey form with the required information set out in Regulation (EC) No 1073/2009 has been electronically registered prior to the start of the journey;***

## **Amendment 17**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b b (new)**

Regulation (EC) No 561/2006

Article 8 – paragraph 6a – subparagraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(bb) in paragraph 6a, first subparagraph, the following points are added:***

***(e) In order to ensure effective and efficient enforcement of the sector-specific rules, specific administrative requirements and control measures should be established in the road transport sector, taking full advantage of digital tools;***

***(f) To allow for checks on the derogation to postpone the daily rest period and the possibility to postpone the weekly rest period for up to 12 consecutive 24 hour periods to be carried out during the roadside inspections, the European Commission shall develop a multilingual interface, to which operators have access and via which they shall submit the electronic journey forms before the start of the journey. For this purpose, the Commission may also explore the possibility to develop one or more new modules for IMI;***

***(g) To facilitate the control of compliance with the 12-day derogation rules set out in this Regulation, the books***

*of journey forms specified in the Article 12 and Article 17 of Regulation (EC) No 1073/2009, shall be replaced by electronic journey forms within 6 months from the entering into force of the amended derogation. The electronic form shall include all features specified under Regulation (EC) No 1073/2009;*

*(h) The operator ensures that the driver has at his or her disposal an electronic journey form and an obligation for the driver to keep and make available when requested at the roadside, and a copy of the electronic journey form submitted via IMI before the start of the journey. The form shall be accessible in real time and solely used for the purpose of control and enforcement.*

## **Amendment 18**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b c (new)**

Regulation (EC) No 561/2006

Article 8 – paragraph 6a – subparagraph 2

*Text proposed by the Commission*

*Amendment*

*(bc) In paragraph 6a, the second subparagraph is replaced by the following:*

*The Commission shall monitor closely and regularly the use made of this derogation in order to ensure the preservation of road safety under very strict conditions, in particular by checking that the total accumulated driving time during the period covered by the derogation is not excessive or contributing to driver fatigue and stress, also taking into account additional professional driving and other activities performed by drivers. By 4 December 2012, the Commission shall draw up a report assessing the consequences of the derogation in respect of road safety as well as social aspects. If it deems it*

*appropriate, the Commission shall propose amendments to this Regulation in this respect.*

## **Amendment 19**

### **Proposal for a regulation Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*The Commission shall, by [one year after this Regulation enters into force] submit the legislative proposals it deems necessary to amend Regulation (EU) No 165/2014 of the European Parliament and of the Council<sup>1a</sup> and other relevant legislation in order to take into account the present Regulation in a way that smart tachographs offer, the options ‘regular passenger service’ and ‘occasional passenger service’ for the bus services option as appropriate for enforcement of this Regulation.*

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*<sup>1a</sup> 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).*