

Amendment 20**Dragoş Pîslaru**

on behalf of the Committee on Employment and Social Affairs

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

Minimum requirements on minimum breaks and daily and weekly rest periods in the occasional passenger transport sector
(COM(2023)0256 – C9-0178/2023 – 2023/0155(COD))

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

(1) Good working conditions for drivers and fair business conditions for road transport undertakings are of paramount importance to create an efficient, safe and socially accountable road transport sector, ensure non-discrimination and attract qualified workers. It is therefore essential that Union social rules on road transport are clear, proportionate, fit for purpose, **easy to apply, and** easy to enforce **and implemented** in an effective and consistent manner throughout the Union.

Amendment

(1) Good working conditions for drivers and fair business conditions for road transport undertakings are of paramount importance to create an efficient, safe and socially accountable road transport sector, ensure non-discrimination and attract qualified workers. It is therefore essential that Union social rules on road transport are clear, proportionate, fit for purpose, **as well as** easy to **implement, apply and** enforce in an effective and consistent manner throughout the Union. ***While there has been progress on the enforcement of the existing rules, there is still room for further improvements, for example with regard to the recording of working hours in situations when different tasks are mixed. Social partners at Union and national level can play an essential role in improving the enforcement of existing regulations. They should be invited to undertake joint actions, develop guidelines and issue recommendations in this regard. The Commission should regularly monitor the working conditions and the enforcement of the existing rules in the occasional passenger transport sector. It should also assess the impact of the rules on road safety in this context.***

Or. en

Amendment 21**Dragoş Pîslaru**

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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** interactions with passengers.

Amendment

(3) However, the specificities of occasional road passenger transport are not shared by road freight transport or regular road passenger transport. Occasional road passenger transport **can be** characterised by seasonality and different lengths of time spent driving which depend on the 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 **can involve** less driving time, when compared to freight transport or regular bus services. **However, drivers in seasonal occasional road passenger transport may also be often engaged in other transport operations during off-peak seasons.** In addition, drivers **in occasional road transport** usually sleep in hotels, and drive **less** at night. **However, when taking into account the total number of hours worked, including activities performed during driving breaks, there can be a cumulative impact on stress and driver fatigue^{1a}, which may pose a risk to road safety and the health and safety of drivers.** Additional activities **include frequent** interactions with passengers, **the maintenance and cleaning of the vehicle, and the loading and**

unloading of baggage. The responsibility of drivers for the safety of their passengers requires not only good physical and mental fitness but also a high level of concentration and a high level of stress resistance.

^{1a} Vitols, Katrin and Voss, Eckhard (2021): Driving fatigue in European Road Transport; <https://www.etf-europe.org/wp-content/uploads/2023/04/Driver-Fatigue-in-European-Road-Transport-Report-.pdf>

Or. en

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Amendment 22

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on behalf of the Committee on Employment and Social Affairs

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Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) The ex post evaluation of Regulation (EC) No 561/2006 concluded that some of the uniform rules related to minimum breaks and rest periods do not fit the specificities of occasional road passenger transport services. Further assessments undertaken by the Commission in that respect have shown that some of the requirements of Regulation (EC) No 561/2006 on breaks and daily and weekly rest periods **are unsuitable and impractical for drivers and operators engaged in the occasional road carriage of passengers, as they have a negative impact on the ability to organise efficient and high-quality occasional passenger services, on the working conditions of drivers, and consequently on road safety.**

(4) The ex post evaluation of Regulation (EC) No 561/2006 concluded that some of the uniform rules related to minimum breaks and rest periods do not fit the specificities of occasional road passenger transport services. Further assessments undertaken by the Commission in that respect have shown that some of the requirements of Regulation (EC) No 561/2006 on breaks and daily and weekly rest periods **can have negative implications for working conditions of drivers and the provision of the efficient and high-quality occasional passenger services.**

Or. en

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Amendment 23

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Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) Therefore, it is appropriate to adapt the requirements on minimum breaks and rest periods to fit, *as well*, the specific requirements of the occasional road passenger transport services. *It is also appropriate to align applicable rules for national and international occasional-passenger transport services by road.*

(5) Therefore, it is appropriate to adapt the requirements on minimum breaks and rest periods to *better* fit the specific requirements of the occasional road passenger transport services.

Or. en

Amendment 24**Dragoş Pîslaru**

on behalf of the Committee on Employment and Social Affairs

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Minimum requirements on minimum breaks and daily and weekly rest periods in the occasional passenger transport sector
(COM(2023)0256 – C9-0178/2023 – 2023/0155(COD))

Proposal for a regulation**Recital 6***Text proposed by the Commission**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 and on the maximum fortnightly driving time.

(6) Rules in the scheduling **and distribution** of the breaks and rest periods of drivers engaged in occasional road passenger transport services should **allow the organisation of working time in the best possible manner, notably during periods of peak travel demand, and reduce the time drivers spend away from home, not least in order to attract workers for the transport sector.** In no way **should the rules** jeopardise the safety of drivers **or** road safety, increase the level of fatigue **and stress** of drivers, **endanger their mental or physical health and safety**, or lead to a deterioration in working conditions. **More** 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.

Or. en

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Amendment 25

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Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) *To ensure the uniform definition of occasional passenger services, it is necessary to clarify that the definition set out in Regulation (EC) No 1073/2009 of the European Parliament and of the Council²³ covers both national and international services. It is also appropriate to update the reference to Regulation (EC) No 1073/2009, which repealed Council Regulation (EEC) No 684/92²⁴.* **deleted**

²³ *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 (recast) (OJ L 300, 14.11.2009, p. 88).*

²⁴ *Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus (OJ L 74, 20.3.1992, p. 1).*

Or. en

Amendment 26**Dragoş Pîslaru**

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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 **define** 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 8 days or longer. **For journeys of at least 8 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.

Or. en

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Amendment 27

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Henna Virkkunen

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

Recital 10

Text proposed by the Commission

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 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. *deleted*

Or. en

Amendment 28**Dragoş Pîslaru**

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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**Amendment*

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***:

2a. A driver engaged in ***a single*** occasional passenger service ***accompanied by one journey form***, with a duration of at least 8 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***;

Or. en

Justification

The reference to road safety was deleted in this Article and added to the corresponding recital instead. According to the EP legal service, the reference to “road safety” in the Article would put on the driver the burden to assess whether the use of this derogation would jeopardize road safety, which appears rather disproportionate. Moreover, the other derogation regimes contained in the same Article of the mother directive do not contain any such provision.

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Amendment 29

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Henna Virkkunen

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Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b

Regulation (EC) No 561/2006

Article 8 – paragraph 6a – introductory part and point a

Text proposed by the Commission

Amendment

(b) in paragraph 6a, the introductory phrase and point (a) are replaced by the following: *deleted*

‘By way of derogation from paragraph 6, a driver engaged in a single occasional passenger service may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:

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

Or. en