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*Plenary sitting*

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**A9-0370/2023**

21.11.2023

**\*\*\*I**

## **REPORT**

on the 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  
(COM(2023)0256 – C9-0178/2023 – 2023/0155(COD))

Committee on Transport and Tourism

Rapporteur: Henna Virkkunen

Rapporteur for the opinion of associated committee pursuant to Rule 57 of the Rules of Procedure:  
Marianne Vind, Committee on Employment and Social Affairs

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the 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 (COM(2023)0256 – C9-0178/2023 – 2023/0155(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0256),
  - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0178/2023),
  - having regard to the opinion of the European Economic and Social Committee of 11 September 2023<sup>1</sup>;
  - having regard to the opinion of the Committee of the Regions of ... <sup>2</sup>;
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinion of the Committee on Employment and Social Affairs,
  - having regard to the report of the Committee on Transport and Tourism (A9-0370/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

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<sup>1</sup> [OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal].

<sup>2</sup> [OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal].

**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 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 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**

*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 the maximum fortnightly driving time.

*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

*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***

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**.

#### ***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 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.;

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

*Amendment*

2a. Provided that road safety **is** not thereby jeopardised, a driver engaged in **an** occasional passenger service with a

2a. Provided that road safety **and the working conditions of the driver are** not thereby jeopardised, a driver engaged in **a**

duration of at least **8** days may derogate from paragraph 2, first subparagraph, *in the following ways:*

*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*

*Amendment*

(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;* *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)

***(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).*



## EXPLANATORY STATEMENT

The Rapporteur welcomes the Commission proposal and recognises that the proposal is needed due to the specific characteristics of the occasional passenger transport sector.

The Rapporteur notes that as Regulation (EC) 561/2006 on driving and resting times has been reviewed as recently as 2020, this regulatory update should remain limited in scope, namely to occasional passenger services. The objectives of the rules should remain the same - harmonizing the conditions of competition while improving working conditions and road safety. Attention should be paid to proper enforcement and control of existing rules, both in freight and in passenger transport.

However, simultaneously a slight adaptation of existing rules is justified to better serve the specific needs of the occasional passenger transport sector. A degree of additional flexibility is needed, without jeopardizing road safety, working conditions and enforceability of the rules.

With regard to the rules on breaks, the Rapporteur notes that the currently applicable rules are often not well aligned with the natural stops on occasional passenger journeys. In order to be able to provide quality occasional passenger transport services, drivers need to be able to adapt to changing circumstances.

With regard to the rules on daily rests, the Rapporteur supports the possibility for postponing the start of the daily rest by one hour in certain situations. Unlike freight transport or regular passenger transport, occasional passenger transport services are characterized by longer distances driven at the beginning and the end of the tour, and by a shorter duration of driving time at the place where the touristic activities mostly take place. The possibility of postponing the taking of the daily rest by one hour twice during the tour, without exceeding regulatory driving time and without reducing daily rest, would bring the rules closer to the actual needs of the passenger groups.

Finally, the Rapporteur supports the Commission's proposal to allow drivers to postpone their weekly rest period by up to 12 days (24-hour periods) on national journeys, as is already the case for international journeys. This alignment of the rules for national and international services is justified for the proper functioning of the single market and for streamlining enforcement and control.

Transparency register:

FinMobility

Autoliikenteen Työnantajaliitto ry

European Transport Workers' Federation ETF

Finnish Ministry of Transport and Communications

European Commission, DG MOVE



## **ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the draft report, until the adoption thereof in committee:

<b>Entity and/or person</b>
FinMobility
Autoliikenteen Työnantajaliitto ry
European Transport Workers' Federation ETF
Finnish Ministry of Transport and Communications
European Commission, DG MOVE
International Road Transport Union IRU

7.11.2023

## OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Transport and Tourism

on the 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 (COM(2023)0256 – C9-0178/2023 – 2023/0155(COD))

Rapporteur for opinion: Marianne Vind

### AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take the following into account:

#### Amendment 1

##### 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.***

## Amendment 2

### 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<sup>1a</sup>, 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.**

### Amendment 3

#### Proposal for a regulation

##### Recital 4

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

(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.***

###### *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 ***can have negative implications for working conditions of drivers and the provision of the efficient and high-quality occasional passenger services.***

### Amendment 4

#### Proposal for a regulation

##### Recital 5

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

(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***

###### *Amendment*

(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.

*national and international occasional-passenger transport services by road.*

## Amendment 5

### 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) 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.

## Amendment 6

### Proposal for a regulation

#### Recital 7

*Text proposed by the Commission*

(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 Council<sup>23</sup> covers both national and international services. It is also appropriate to update the reference to***

*Amendment*

***deleted***

**Regulation (EC) No 1073/2009, which repealed Council Regulation (EEC) No 684/92<sup>24</sup>.**

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<sup>23</sup> **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).**

<sup>24</sup> **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).**

## **Amendment 7**

### **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) ***To ensure adequate rest time*** for drivers engaged in occasional road passenger transport services, ***which is essential for the safety of drivers and passengers***, it is appropriate to set a minimum duration for each break. Drivers engaged in occasional road passenger transport services should be allowed to split their obligatory break into ***two*** separate 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 obligatory breaks, however, should not prevent drivers from having additional breaks or breaks longer than the total required minimum rest time.***

## **Amendment 8**



**Proposal for a regulation**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**(8a) Drivers should be able to postpone the start of their daily rest period for a maximum period of one hour, in cases where the driving time for that day has not exceeded seven hours, provided they are carrying out journeys of eight days or longer and the maximum daily working time is respected. Such flexibility should not jeopardise road safety and the health and safety of drivers and be further limited to only one derogation during the period of the journey.**

**Amendment 9**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*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. **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.

(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 national competent authorities supported by the European Labour Authority (ELA). With a view to effective and efficient enforcement, administrative requirements should be established, that take full advantage of digital tools.** In addition to the tachograph records, **a digital journey form should be electronically registered prior to the start of an international journey. The digital forms should be accessible in real time during roadside checks and be solely used for controls and enforcement. 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.*

## **Amendment 10**

### **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*

## **Amendment 11**

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

*Present text*

*Amendment*

This break may be replaced by *a break* of at least 15 minutes *followed by a break of*

**(1a)** *in Article 7, the second paragraph is amended as follows:*

*„For a driver engaged in an occasional passenger service this break may be*

*at least 30 minutes* each distributed over the period in such a way as to comply with the provisions of the first paragraph.

replaced by *two breaks* of at least 15 minutes each distributed over the period in such a way as to comply with the provisions of the first paragraph;”

## Amendment 12

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2

Regulation (EC) No 561/2006

Article 7 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(2)** *in Article 7, the following fourth paragraph is added:*

*deleted*

*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.;*

## 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 – introductory part and point a

*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 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 national law is respected.*

**(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 14**

##### **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 15**

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

#### **Amendment 16**

##### **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;.*

## **Amendment 17**

### **Proposal for a regulation**

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

Regulation (EC) No 561/2006

**Article 8 – paragraph 6a – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) in paragraph 6a, the following point is added:*

*“(da) a digital journey form including all features specified in Regulation (EC) No 1073/2009 has been electronically registered prior to the start of the journey.”*

**ANNEX: LIST OF ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR FOR THE OPINION HAS RECEIVED INPUT**

- ETF - European Transport Federation
- IRU - International Road Transport Union
- 3F Transport, Danish Trade Union
- Ver.di, German Trade Union

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	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
<b>References</b>	COM(2023)0256 – C9-0178/2023 – 2023/0155(COD)
<b>Committee responsible</b> Date announced in plenary	TRAN 1.6.2023
<b>Opinion by</b> Date announced in plenary	EMPL 1.6.2023
<b>Associated committees - date announced in plenary</b>	14.9.2023
<b>Rapporteur for the opinion</b> Date appointed	Marianne Vind 1.9.2023
<b>Discussed in committee</b>	19.9.2023
<b>Date adopted</b>	25.10.2023
<b>Result of final vote</b>	+: 41 –: 0 0: 2
<b>Members present for the final vote</b>	João Albuquerque, Marc Angel, Dominique Bilde, Gabriele Bischoff, Milan Brglez, Jordi Cañas, David Casa, Ilan De Basso, Margarita de la Pisa Carrión, Özlem Demirel, Klára Dobrev, Jarosław Duda, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Loucas Fourlas, Cindy Franssen, Chiara Gemma, Helmut Geuking, Elisabetta Gualmini, Alicia Homs Ginel, Agnes Jongerius, Stelios Kypourouopoulos, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Sara Matthieu, Max Orville, Kira Marie Peter-Hansen, Dragoş Pîslaru, Elżbieta Rafalska, Daniela Rondinelli, Pirkko Ruohonen-Lerner, Monica Semedo, Romana Tomc, Nikolaj Villumsen, Marianne Vind, Maria Walsh, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Alexander Alexandrov Yordanov, Aurore Lalucq, Eugenia Rodríguez Palop
<b>Substitutes under Rule 209(7) present for the final vote</b>	Sirpa Pietikäinen, Caroline Roose

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

41	+
ECR	Margarita de la Pisa Carrión, Elżbieta Rafalska, Pirkko Ruohonen-Lerner
ID	Dominique Bilde
PPE	Alexander Alexandrov Yordanov, David Casa, Jarosław Duda, Loucas Furlas, Cindy Franssen, Helmut Geuking, Stelios Kypourouopoulos, Miriam Lexmann, Sirpa Pietikäinen, Romana Tomc, Maria Walsh, Tomáš Zdechovský
Renew	Jordi Cañas, Lucia Ďuriš Nicholsonová, Max Orville, Dragoş Pîslaru, Monica Semedo
S&D	João Albuquerque, Marc Angel, Gabriele Bischoff, Milan Brglez, Ilan De Basso, Klára Dobrev, Estrella Durá Ferrandis, Elisabetta Gualmini, Alicia Homs Ginel, Agnes Jongerius, Aurore Lalucq, Daniela Rondinelli, Marianne Vind
The Left	Özlem Demirel, Eugenia Rodríguez Palop, Nikolaj Villumsen
Verts/ALE	Katrin Langensiepen, Sara Matthieu, Kira Marie Peter-Hansen, Caroline Roose

0	-

2	0
ECR	Chiara Gemma
ID	Elena Lizzi

Key to symbols:

+ : in favour

- : against

0 : abstention



## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	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
<b>References</b>	COM(2023)0256 – C9-0178/2023 – 2023/0155(COD)
<b>Date submitted to Parliament</b>	24.5.2023
<b>Committee responsible</b> Date announced in plenary	TRAN 1.6.2023
<b>Committees asked for opinions</b> Date announced in plenary	EMPL 1.6.2023
<b>Associated committees</b> Date announced in plenary	EMPL 14.9.2023
<b>Rapporteurs</b> Date appointed	Henna Virkkunen 27.6.2023
<b>Discussed in committee</b>	18.9.2023
<b>Date adopted</b>	16.11.2023
<b>Result of final vote</b>	+: 31 –: 5 0: 1
<b>Members present for the final vote</b>	Magdalena Adamowicz, José Ramón Bauzá Díaz, Karolin Braunsberger-Reinhold, Marco Campomenosi, Ciarán Cuffe, Karima Delli, Carlo Fidanza, Isabel García Muñoz, Jens Gieseke, Elena Kountoura, Bogusław Liberadzki, Peter Lundgren, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Tilly Metz, Caroline Nagtegaal, Jan-Christoph Oetjen, Philippe Olivier, Rovana Plumb, Bergur Løkke Rasmussen, Dominique Riquet, Thomas Rudner, Henna Virkkunen, Petar Vitanov, Lucia Vuolo, Kosma Złotowski
<b>Substitutes present for the final vote</b>	Sara Cerdas, Leila Chaibi, Valter Flego, Ljudmila Novak, Marianne Vind
<b>Substitutes under Rule 209(7) present for the final vote</b>	Daniel Freund, Gabriel Mato, Ana Miranda, Dennis Radtke, Michaela Šojdrová, Eugen Tomac
<b>Date tabled</b>	21.11.2023

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

31	+
ECR	Carlo Fidanza, Peter Lundgren, Kosma Złotowski
ID	Marco Campomenosi, Philippe Olivier
PPE	Magdalena Adamowicz, Karolin Braunsberger-Reinhold, Jens Gieseke, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Gabriel Mato, Ljudmila Novak, Dennis Radtke, Michaela Šojdrová, Eugen Tomac, Henna Virkkunen, Lucia Vuolo
Renew	José Ramón Bauzá Díaz, Valter Flego, Caroline Nagtegaal, Jan-Christoph Oetjen, Bergur Løkke Rasmussen, Dominique Riquet
S&D	Sara Cerdas, Isabel García Muñoz, Bogusław Liberadzki, Rovana Plumb, Thomas Rudner, Marianne Vind, Petar Vitanov
The Left	Leila Chaïbi

5	-
Verts/ALE	Ciarán Cuffe, Karima Delli, Daniel Freund, Tilly Metz, Ana Miranda

1	0
The Left	Elena Kountoura

	Corrections to votes and voting intentions <sup>(1)</sup>
+	
-	Leila Chaïbi
0	

Key to symbols:

+ : in favour

- : against

0 : abstention