



**2023/0155(COD)**

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

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## 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

###### *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

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.**

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.**

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<sup>1a</sup> 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>

### 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

*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.*

#### 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 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

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*

(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.

*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,*

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.

***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*

*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 Council<sup>23</sup> 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 684/92<sup>24</sup>.***

***deleted***

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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*

(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 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*

***(10) Limiting the possibility to postpone the weekly rest period for up to 12 consecutive 24-hour periods exclusively to***

*Amendment*

***deleted***



*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 11**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 a (new)**

Regulation (EC) No 561/2006

#### **Article 7 – paragraph 2**

##### *Present text*

This break may be replaced by *a break* of at least 15 minutes *followed by a break of at least 30 minutes* each distributed over the period in such a way as to comply with the provisions of the first paragraph.

##### *Amendment*

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

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

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

***For a driver engaged in an occasional passenger service the break referred to in the first paragraph may also be replaced***

##### *Amendment*

***deleted***

*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*

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*:

*(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*

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.*

## **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*

*(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.*

#### *Amendment*

*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*

***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.***

*Amendment*

***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*

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

***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;***

***deleted***

*Amendment*

## 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 Fourlas, 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