

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

2023/0155(COD) - 24/05/2023 - Legislative proposal

**PURPOSE:** to ensure fair competition and improve working conditions and road safety by harmonising the rules on breaks and rest periods for drivers engaged in occasional road passenger services.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** this proposal concerns a revision of Regulation (EC) No 561/2006 of the European Parliament and of the Council. That Regulation sets maximum daily and weekly driving times, minimum break periods, and minimum daily and weekly rest periods for drivers in the commercial transport sector. Regulation (EC) No 561/2006 applies to road-transport operators and their drivers: (i) regardless of whether they are involved in the carriage of passengers or goods; or (ii) regardless of whether, when carrying passengers, the transport is regular or occasional.

The occasional-passenger transport sector has **different characteristics** compared with freight transport and regular-passenger transport. Those different characteristics mean that the occasional-passenger transport sector has a different impact on the working conditions of drivers, and therefore requires an adaptation of the rules on driving times, minimum breaks and rest periods applicable to them.

Occasional-passenger transport is especially characterised by high seasonality (peaks in demand for passenger trips in certain seasons of the year, in particular during winter and summer holidays). It is also characterised by different driving distances depending on the touristic activities undertaken by passengers, such as visits. That means that it is characterised 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 take place.

The sector needs to accommodate unplanned and impromptu reasonable passenger requests in terms of additional stops, changes of routes, or changes of schedule. There is generally less driving time than in freight transport or in regular bus services. Drivers also usually sleep in hotels, and seldom drive at night. At the same time, drivers might during the working time be subject to some additional activities, often resulting from interactions with passengers, for instance giving advice.

The ex-post evaluation of Regulation (EC) No 561/2006 shows that some of the uniform rules on minimum breaks and rest periods are inappropriate to the specific characteristics of occasional road passenger services.

**CONTENT:** the proposed revision of Regulation (EC) No 561/2006 aims to: (i) ensure a more flexible distribution of breaks and rest periods; and (ii) lay down equal treatment between international and domestic occasional passenger transport operations. It does not introduce any changes to the minimum duration of breaks or rest periods or to maximum driving times. It therefore seeks to guarantee efficient and high-quality occasional-passenger transport services and improve working and driving conditions for drivers, in particular to minimise their stress and fatigue.

The proposal:

- allows drivers to split their breaks into periods of 30 and 15 minutes or into periods of 15 minutes each;
- allows drivers engaged in a single occasional-passenger service lasting 8 days or more to postpone the start of the daily rest period by 1 hour, when the total daily driving period for that day does not exceed 7 hours, or to postpone the start of the daily rest period by 2 hours, when the total daily driving period for that day does not exceed 5 hours;
- aligns the rules for occasional passenger transport services that take place solely within a single country with the rules for international services, by allowing the postponement of the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period (the so-called twelve-day derogation).

Adjustment cost savings for bus and coach operators in the optioned retained are estimated at between EUR 106.4 million and EUR 141.9 million, expressed as present value over the 2025-2050 period relative to the baseline.