Basic information

2023/0155(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Minimum requirements on minimum breaks and daily and weekly rest periods in the occasional passenger transport sector Amending Regulation 2006/561 2001/0241(COD) **Subject** 3.20.05 Road transport: passengers and freight 3.20.10 Transport undertakings, transport industry employees 4.15.03 Arrangement of working time, work schedules	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	VIRKKUNEN Henna (EPP)	27/06/2023
	Shadow rapporteur GARCÍA MUÑOZ Isabel (S&D) NAGTEGAAL Caroline (Renew) CUFFE Ciarán (Greens/EFA) ZĪLE Roberts (ECR) KONEČNÁ Kateřina (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs (Associated committee)	VIND Marianne (S&D)	01/09/2023

Council of the European Union

European Commission

Commission DG	Commissioner
Mobility and Transport	VĂLEAN Adina

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
24/05/2023	Legislative proposal published	COM(2023)0256	Summary
01/06/2023	Committee referral announced in Parliament, 1st reading		
14/09/2023	Referral to associated committees announced in Parliament		
16/11/2023	Vote in committee, 1st reading		
21/11/2023	Committee report tabled for plenary, 1st reading	A9-0370/2023	Summary
11/12/2023	Debate in Parliament		
12/12/2023	Decision by Parliament, 1st reading	T9-0453/2023	Summary
12/12/2023	Results of vote in Parliament		
12/12/2023	Matter referred back to the committee responsible for interinstitutional negotiations		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)000903 PE759.023	
13/03/2024	Decision by Parliament, 1st reading	T9-0150/2024	Summary
13/03/2024	Results of vote in Parliament		
12/04/2024	Act adopted by Council after Parliament's 1st reading		
24/04/2024	Final act signed		
02/05/2024	Final act published in Official Journal		

Technical information

Procedure reference	2023/0155(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2006/561 2001/0241(COD)
Legal basis	Rules of Procedure EP 57_o Treaty on the Functioning of the European Union TFEU 091-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/12085

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE752.842	12/09/2023	
Amendments tabled in committee		PE753.558	26/09/2023	
Committee opinion	EMPL	PE752.815	07/11/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0370/2023	21/11/2023	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T9-0453/2023	12/12/2023	Summary
Text agreed during interinstitutional negotiations		PE759.023	09/02/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0150/2024	13/03/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)000903	09/02/2024	
Draft final act	00030/2024/LEX	24/04/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2023)0256	24/05/2023	Summary
Document attached to the procedure	SEC(2023)0197	24/05/2023	
Document attached to the procedure	SWD(2023)0137	24/05/2023	
Document attached to the procedure	SWD(2023)0138	24/05/2023	
Commission response to text adopted in plenary	SP(2024)350	22/07/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2929/2023	20/09/2023	

Additional information

Source	Document	Date
EP Research Service	Briefing	08/12/2023
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	**Role**	**Committee**	**Date**	**Interest representatives**
VIRKKUNEN Henna	Rapporteur	TRAN	16/01/2024	Permanent Representatives of Czechia and Slovakia to the EU
SATOURI Mounir	Shadow rapporteur for opinion	EMPL	19/09/2023	European Transport Workers' Federation
GARCÍA MUÑOZ Isabel	Shadow rapporteur	TRAN	18/09/2023	European Transport Workers' Federation
CUFFE Ciarán	Shadow rapporteur	TRAN	11/09/2023	European Transport Workers' Federation
VIND Marianne	Rapporteur for opinion	EMPL	08/09/2023	International Road Transport Union Permanent Delegation to the EU
VIND Marianne	Rapporteur for opinion	EMPL	08/09/2023	Verband deutschsprachiger Übersetzer/innen literarischer und wissenschaftlicher Werke e.V. Bundessparte Übersetzer/innen im Verband deutscher Schriftstellerinnen und Schriftsteller (VS) in ver.di
VIND Marianne	Rapporteur for opinion	EMPL	08/09/2023	Fagligt Fælles Forbund
GARCÍA MUÑOZ Isabel	Shadow rapporteur	TRAN	06/09/2023	World Road Transport Organisation
KONEČNÁ Kateřina	Shadow rapporteur	TRAN	06/09/2023	European Transport Workers' Federation
VIND Marianne	Rapporteur for opinion	EMPL	04/09/2023	European Transport Workers' Federation
VIRKKUNEN Henna	Rapporteur	TRAN	29/08/2023	Finnish Transport and Communications Agency
VIRKKUNEN Henna	Rapporteur	TRAN	28/08/2023	FinMobility ry
VIRKKUNEN Henna	Rapporteur	TRAN	28/08/2023	European Transport Workers Federation EFT

Other Members

Transparency		
Name	**Date**	**Interest representatives**
WALSH Maria	05/12/2023	Irish Road Haulage Association
BERGKVIST Erik	13/07/2023	International Road and Transport Union (IRU)

Final act	
Regulation 2024/1258 OJ OJ L 02.05.2024	Summary

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

2023/0155(COD) - 21/11/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Henna VIRKKUNEN (EPP, FI) 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.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Breaks

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, the report sets 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** (as opposed to three in the Commission proposal) 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.

Daily and weekly rest periods

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 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.

Postpone weekly rest periods

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 report stated that 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.

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

2023/0155(COD) - 02/05/2024 - Final act

PURPOSE: to ensure fair competition and improve working conditions and road safety through the harmonisation of the rules on breaks and rest periods for drivers engaged in occasional road passenger transport services.

LEGISLATIVE ACT: Regulation (EU) 2024/1258 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 and as regards Member States' power to impose penalties for infringements of Regulation (EU) No 165/2014 committed in another Member State or in a third country.

CONTENT: the revised regulation consists of targeted amendments to the 2006 regulation aiming to introduce a certain **well-defined flexibility**, by way of derogation and at the driver's discretion, into the provisions on breaks and rest periods for professional drivers engaged in occasional passenger transport, such as tour buses. The regulation aims to better adapt this sector to its specific rhythm of work and to ensure a better service for passengers.

More flexible rules on the scheduling of breaks and rest periods of drivers engaged in occasional road passenger transport services should in no way jeopardise the safety of drivers or 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 total minimum breaks, on maximum driving periods per day and per week, on maximum fortnightly driving time and on maximum working time in accordance with applicable law, including Directive 2002/15/EC of the European Parliament and of the Council.

Flexibility in the scheduling of breaks for drivers

Drivers engaged in occasional road passenger transport services:

- should be allowed to split their mandatory break into **two breaks of at least 15 minutes** each while respecting the total required minimum break of 45 minutes;

- may postpone the daily rest period by **1 hour**, provided that the total accumulated driving time for that day has not exceeded 7 hours, and that this option is exercised once during a journey with a duration of at least 6 days, or twice during a journey of at least 8 days;

- may postpone the weekly rest period for up to **12 consecutive days** following a previous regular weekly rest period.

To ensure a uniform definition of occasional passenger services, the regulation clarifies that the definition set out in Regulation (EC) No 1073/2009 of the European Parliament and of the Council covers both **national and international services**.

Reinforced control framework

For roadside checks, until a **digital journey form** is available, drivers should:

- carry on board the vehicle a completed journey form, containing the information required for the journey;

- carry on board the **vehicle paper or electronic copies** of such journey forms which cover the previous 28 days, and, from 31 December 2024, the previous 56 days.

For national services, the journey form for international services may be used, indicating its use for national service.

No later than 31 December 2026, the Commission should assess the options for digitalising the journey form for drivers engaged in occasional passenger services in terms of feasibility, cost-effectiveness and its impact on enforceability and working conditions of drivers and, if appropriate, present to the European Parliament and the Council a legislative proposal regarding such digitalisation.

That assessment should cover the development of a digital journey form containing the information required to allow such information to be electronically registered prior to the start of the journey in a multilingual interface to which operators have access.

Report

No later than 31 December 2028, the Commission should draw up a report assessing the consequences of the provisions of this Regulation relating to the occasional passenger transport services sector with regard to road safety and social aspects, in particular drivers' working conditions.

Infringements

The revised regulation specifies that infringements to tachograph rules committed on another member state’s territory can be prosecuted in the Member State of detection.

ENTRY INTO FORCE: 22.5.2024.

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.

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

2023/0155(COD) - 12/12/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 477 votes to 101, with 41 abstentions, **amendments** to 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.

The matter was referred back to the committee responsible for interinstitutional negotiations.

Breaks and rest periods

Members considered that 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** (as opposed to three in the Commission proposal) 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.

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.

Digital journey form

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 report stated that the digital forms should be **accessible in real time during roadside 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.

The operator should ensure 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 the Internal Market Information System before the start of the journey.

Reporting and future changes

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.

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.

Lastly, the Commission should, 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 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.

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

2023/0155(COD) - 13/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 482 votes to 120, with 20 abstentions, a 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.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Aim

The proposed Regulation seeks to ensure fair competition and improve working conditions and road safety through the harmonisation of the rules on breaks and rest periods for drivers engaged in occasional road passenger transport services, and to ensure that Member States are able to impose penalties for infringements of tachograph rules detected on their territory irrespective of where those infringements were committed.

Flexibility in the scheduling of breaks for drivers

According to the amended text, more flexibility in the scheduling of breaks for drivers engaged in occasional road passenger transport services should not in any way cause more fatigue or stress for drivers. It should be ensured that drivers 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. Drivers engaged in occasional road passenger transport services should be allowed to **split their mandatory break into two breaks of at least 15 minutes each** while respecting the total required minimum break of 45 minutes. More flexibility in the scheduling of those breaks, however, should not prevent drivers from having breaks longer than the required minimum duration or from having additional breaks.

Breaks and rest periods

Provided that road safety and the working conditions of the driver are not thereby jeopardised, a driver engaged in a single occasional passenger service with a duration of at least **six consecutive 24 hour periods** may take the daily rest period **once within a maximum of 25 hours** after the end of the previous daily rest period or weekly rest period, provided that the total accumulated driving time for that day has not exceeded seven hours. Complying with the same conditions, that derogation may be used twice in a single occasional passenger service with a duration of at least eight consecutive 24 hour periods.

Journey

For the purpose of roadside checks, until a digital journey form is available, the driver should carry on board the vehicle a completed journey form, containing the essential information. The driver should also carry on board the vehicle paper or electronic copies of such journey forms which cover the previous 28 days, and, from 31 December 2024, the previous 56 days.

For national services, the journey form for international services may be used, indicating its use for national service.

No later than 31 December 2026, the Commission should assess the **options for digitalisating the journey** form for drivers engaged in occasional passenger services and, if appropriate, present to the European Parliament and the Council a legislative proposal regarding such digitalisation.

Report

By 31 December 2028, the Commission should draw up a report assessing the consequences of the provisions of this Regulation relating to the occasional passenger services sector in respect of road safety and social aspects, in particular the working conditions of drivers. The Commission should send that report to the European Parliament and the Council. If it considers it to be appropriate, the Commission should make relevant legislative proposals.

Penalties

A Member State should enable the competent authorities to impose a penalty on an undertaking and/or a driver for an infringement of this Regulation or of Regulation (EU) No 165/2014 detected on its territory and for which a penalty has not already been imposed, even where that infringement has been committed on the territory of another Member State or of a third country.