



Council of the
European Union

Brussels, 20 December 2023
(OR. en)

16983/23

**Interinstitutional File:
2023/0155(COD)**

**TRANS 619
SOC 873
CODEC 2554**

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 16343/23
No. Cion doc.:	ST 9734/23
Subject:	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 – Four column document

In view of the meeting of the Land Transport working party on 9 January 2024 and a first exchange of views on the EP amendments, delegations will find in the annex a four-column document.

**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**

2023/0155(COD)
20-12-2023 at 12h42

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
Formula				
1	2023/0155 (COD)	2023/0155 (COD)	2023/0155 (COD)	2023/0155 (COD) Text Origin: Commission Proposal
Proposal Title				
2	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		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 and as regards Member States' power to impose penalties for infringements of Regulation (EU) No 165/2014 committed in another Member	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
			State	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, <small>Text Origin: Commission Proposal</small>
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof, <small>Text Origin: Commission Proposal</small>
Citation 2				
5	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, <small>Text Origin: Commission Proposal</small>
Citation 3				
6				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .		Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. . Text Origin: Commission Proposal
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .		Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions¹, 1. OJ C , , p. . <i>After consulting</i> the Committee of the Regions ¹ ,
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
Formula				
10	Whereas:		Whereas:	Whereas: <small>Text Origin: Commission Proposal</small>
Recital 1				
11	(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.		(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.	(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. <small>Text Origin: Commission Proposal</small>
Recital 2				
12	(2) The rules on maximum daily		(2) The rules on maximum daily	(2) The rules on maximum daily

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
	<p>and weekly driving times, minimum breaks and daily and weekly rest periods laid down by Regulation (EC) No 561/2006 of the European Parliament of the Council¹ apply to road transport operators and their drivers, regardless of whether they are involved in the carriage of passengers or goods or of whether, as regards the carriage of passengers, the transport is regular or occasional.</p> <p>¹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).</p>		<p>and weekly driving times, minimum breaks and daily and weekly rest periods laid down by Regulation (EC) No 561/2006 of the European Parliament of the Council¹ apply to road transport operators and their drivers, regardless of whether they are involved in the carriage of passengers or goods or of whether, as regards the carriage of passengers, the transport is regular or occasional.</p> <p>¹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).</p>	<p>and weekly driving times, minimum breaks and daily and weekly rest periods laid down by Regulation (EC) No 561/2006 of the European Parliament of the Council¹ apply to road transport operators and their drivers, regardless of whether they are involved in the carriage of passengers or goods or of whether, as regards the carriage of passengers, the transport is regular or occasional.</p> <p>¹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).</p> <p>Text Origin: Commission Proposal</p>
Recital 3				
13	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
	<p>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.</p>	<p>transport is characterised by high seasonality and different lengths of time spent driving <u>as well as different driving distances</u> which depend on the touristic activities undertaken by passengers. It needs to accommodate <u>to passenger needs such as</u> 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.</p> <p>AMD 1</p>	<p>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.</p>	
Recital 4				
14	<p>(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</p>		<p>(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</p>	<p>(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</p>

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
	<p>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.</p>		<p>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.</p>	<p>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.</p> <p>Text Origin: Commission Proposal</p>
Recital 5				
15	<p>(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.</p>		<p>(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.</p>	<p>(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.</p>

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
				Text Origin: Commission Proposal
Recital 6				
16	(6) More flexible rules in the scheduling of the breaks and rest periods of drivers engaged in occasional road passenger transport services should in no way jeopardise the safety of drivers, road safety, increase the level of fatigue of drivers or lead to a deterioration in working conditions. Such flexibility should therefore not alter the current rules on the total minimum breaks, on maximum driving periods per day and per week and on the maximum fortnightly driving time.	(6) 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 <u>time and on maximum working</u> time. AMD 2	(6) More flexible rules in the scheduling of the breaks and daily 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, which would apply to 24 hour periods with less than seven accumulated driving hours , 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 The minimum requirements for working time of persons performing mobile road transport activities, as laid down in Directive 2002/15/EC of the European Parliament and of the Council¹, should also continue to apply unchanged.	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
			1. [1] Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).	
Recital 7				
17	<p>(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 Council¹ 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 684/92².</p> <p>¹ 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).</p> <p>² 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).</p>		<p>(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 Council¹ 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 684/92².</p> <p>¹ 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).</p> <p>² 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).</p>	<p>(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 Council¹ 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 684/92².</p> <p>¹ 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).</p> <p>² 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).</p> <p>Text Origin: Commission Proposal</p>

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
Recital 8				
18	<p>(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.</p>	<p>(8) More flexibility in the scheduling of breaks for drivers engaged in occasional road passenger transport services should not prevent those<u>cause in any way more fatigue or stress for the drivers</u> from taking<u>and it should be ensured that they take</u> breaks of the minimum duration necessary to enable them to rest properly <u>and sufficiently</u>. 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<u>two</u> breaks of at least 15 minutes each in addition to the other possibility of splitting a break <u>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.</u></p> <p>AMD 3</p>	<p>(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.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
Recital 9				
19	<p>(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.</p>	<p>(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 <u>by the competent national authorities and supported by the European Labour Authority (ELA)</u>. Drivers should therefore be able to postpone the start of their daily rest periods for a maximum period of 1 or 2 hours <u>hour</u>, 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 <u>6</u> days or longer. <u>For journeys of at least 6 days the drivers should be allowed to once postpone their daily rest by 1 hour.</u> Such flexibility should be further limited to only one of each derogation <u>not jeopardise road safety and should be limited</u> during the period of the tour. It should be also possible <u>With a view to effective and efficient enforcement and in order</u> to</p>	<p>(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 <u>hour</u>, 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 <u>single occasional services of 6</u> days or longer. Such flexibility should be further limited to only one of each derogation <u>so that the derogation may be used only once</u> during the period of the tour, <u>or twice in single occasional services of 8 days or longer. The use of the derogation does not change the latest start time of a weekly rest period.</u> It should be also possible to counter check such circumstances with a printout from the recording equipment or the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<p>counter check such circumstances, <u>a digital journey form should be electronically registered prior to the start of the journey</u>with a printout from the recording equipment or the duty roster, in addition to the tachograph records <u>and the printout from the recording equipment or the duty roster</u>.</p> <p>AMD 4</p>	<p>duty roster, in addition to the tachograph records.</p>	
Recital 10				
20	<p>(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</p>	<p>(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 <u>equal treatment and</u> 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</p>	<p>(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</p>	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
	benefit from such possibility.	also benefit from such possibility. AMD 5	benefit from such possibility.	
Recital 10a				
20a		<i><u>(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</u></i>	(10a) In order to enable effective and efficient controls of the proper use of the flexibility in scheduling breaks and of the possibility to postpone the daily and weekly rest periods in occasional passenger services, the drivers should carry on board the vehicle, throughout the journey, a ‘journey form’, containing key information about the journey; such a journey form is already in use in the international occasional passenger transport service under Regulation (EC) No 1073/2009. Aligned with control provisions in Regulation (EU) No 165/2014 on the keeping of manual records, the drivers should also carry on board paper or electronic copies of journey forms covering occasional transport performed in the previous 28 days and, from 31 December 2024, in the previous 56 days. The Commission should,	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<p>journey forms.</p> <p>AMD 6</p>	<p>when reviewing the technical specifications of the tachograph, develop a possibility to record the type of the passenger service (regular or occasional passenger service).</p>	
Recital 10b				
20b			<p>(10b) Regulation (EC) No 561/2006 requires Member States to lay down rules on penalties applicable to infringements of that Regulation and Regulation (EU) No 165/2014, and to ensure that they are implemented. In its judgment in case C-906/19, the Court of Justice made clear that Member States are precluded from imposing a penalty after having detected an infringement against Regulation (EU) No 165/2014 which was committed on the territory of another Member State and for which a penalty has not yet been imposed, and recognised in its paragraph 45 that ‘in so far as that aspect of the EU rules in force may have adverse effects on working conditions for drivers and on road safety, it is for the EU</p>	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
			<p>legislature to decide on any possible amendments'. Given that infringements on those two Regulations often occur simultaneously and that the purpose of Regulation (EU) No 165/2014 is to ensure compliance with Regulation (EC) No 561/2006, it is appropriate that the imposition of penalties on an undertaking or a driver for an infringement detected on the territory of one Member States, but committed on the territory of another Member States, may relate to infringements of both Regulations.</p>	
Recital 10b				
20c		<p><u><i>(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</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<p><u><i>should consider proposing new measures based on the findings of the report.</i></u></p> <p>AMD 7</p>		
Recital 11				
21	<p>(11) Since the objectives of this Regulation, namely 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, cannot be sufficiently achieved by the Member States, but can rather, by reason of the nature of the objectives, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>		<p>(11) Since the objectives of this Regulation, namely 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 may impose penalties for infringements of tachograph rules detected on their territory irrespective of where those infringements were committed, cannot be sufficiently achieved by the Member States, but can rather, by reason of the nature of the objectives, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that</p>	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
			Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	
Recital 11a				
21a		<p><i><u>(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</u></i></p>		

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<p><u>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;</u></p> <p>AMD 8</p>		
Recital 11b				
21b		<p><u>(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</u></p>		<p>similar Council amendment n line 20a, last sentence</p>

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<u>regular or occasional.</u> AMD 9		
Recital 12				
22	(12) Regulation (EC) No 561/2006 should therefore be amended accordingly,		(12) Regulation (EC) No 561/2006 should therefore be amended accordingly,	(12) Regulation (EC) No 561/2006 should therefore be amended accordingly, Text Origin: Commission Proposal
Formula				
23	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: Text Origin: Commission Proposal
Article 1				
24	Article 1		Article 1	Article 1 Text Origin: Commission Proposal
Article 1, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
25	Regulation (EC) No 561/2006 is amended as follows:		Regulation (EC) No 561/2006 is amended as follows:	Regulation (EC) No 561/2006 is amended as follows: Text Origin: Commission Proposal
Article 1, first paragraph, point (1)				
26	(1) Article 4 is amended as follows:		(1) Article 4 is amended as follows:	(1) Article 4 is amended as follows: Text Origin: Commission Proposal
Article 1, first paragraph, point (1)(a)				
27	(a) point (n) is replaced by the following:		(a) point (n) is replaced by the following:	(a) point (n) is replaced by the following: Text Origin: Commission Proposal
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (n)				
28	(n) ‘regular passenger services’ means national and international services as defined in Article 2, points 2 and 3, of Regulation (EC) No 1073/2009 of the European Parliament and of the Council*;		(n) ‘regular passenger services’ means national and international services as defined in Article 2, points 2 and 3, of Regulation (EC) No 1073/2009 of the European Parliament and of the Council*;	(n) ‘regular passenger services’ means national and international services as defined in Article 2, points 2 and 3, of Regulation (EC) No 1073/2009 of the European Parliament and of the Council*;

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
				Text Origin: Commission Proposal
Article 1, first paragraph, point (1)(a), amending provision, second paragraph				
29	_____		_____	Text Origin: Commission Proposal
Article 1, first paragraph, point (1)(a), amending provision, third paragraph				
30	* Regulation (EC) No 1073/2009 of the European Parliament and the Council of 21 October 2009 on common rules for access to the international market for coach and bus services and amending Regulation (EC) N° 561/2006 (OJ L 300, 14.11.2009, p. 88).;		* Regulation (EC) No 1073/2009 of the European Parliament and the Council of 21 October 2009 on common rules for access to the international market for coach and bus services and amending Regulation (EC) N° 561/2006 (OJ L 300, 14.11.2009, p. 88).;	* Regulation (EC) No 1073/2009 of the European Parliament and the Council of 21 October 2009 on common rules for access to the international market for coach and bus services and amending Regulation (EC) N° 561/2006 (OJ L 300, 14.11.2009, p. 88).; Text Origin: Commission Proposal
Article 1, first paragraph, point (1)(b)				
31	(b) the following point (na) is inserted:		(b) the following point (na) is inserted:	(b) the following point (na) is inserted: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
Article 1, first paragraph, point (1)(b), amending provision, numbered paragraph (na)				
32	‘ (na) ‘occasional passenger services’ means national and international occasional services as defined in Article 2, point 4, of Regulation (EC) No 1073/2009;; ,		‘ (na) ‘occasional passenger services’ means national and international occasional services as defined in Article 2, point 4, of Regulation (EC) No 1073/2009;; ,	‘ (na) ‘occasional passenger services’ means national and international occasional services as defined in Article 2, point 4, of Regulation (EC) No 1073/2009;; , Text Origin: Commission Proposal
Article 1, first paragraph, point (2)				
33	(2) in Article 7, the following fourth paragraph is added:		(2) in Article 7, the following fourth paragraph is added:	(2) in Article 7, the following fourth paragraph is added: Text Origin: Commission Proposal
Article 1, first paragraph, point (2), amending provision, first paragraph				
34	‘ 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 three <u>two</u> 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 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,	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		AMD 10	provided that the total accumulated daily driving time for that day does not exceed 7 hours.';	
Article 1, first paragraph, point (3)				
35	(3) Article 8 is amended as follows:		(3) Article 8 is amended as follows:	(3) Article 8 is amended as follows: Text Origin: Commission Proposal
Article 1, first paragraph, point (3)(a)				
36	(a) the following paragraph 2a is inserted:		(a) the following paragraph 2a is inserted:	(a) the following paragraph 2a is inserted: Text Origin: Commission Proposal
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (2a)				
37	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. Provided that road safety is <u>and the working conditions of the driver are</u> not thereby jeopardised, a driver engaged in an <u>single</u> occasional passenger service <u>accompanied by one journey form,</u> with a duration of at least 8 <u>6</u>	2a. Provided that road safety is not thereby jeopardised, a driver engaged in an <u>single</u> occasional passenger service with a duration of at least 8 days <u>6 consecutive 24 hour periods</u> may derogate from paragraph 2, first subparagraph, in	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<p>days may derogate from paragraph 2, first subparagraph <u>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;</u> in the following ways:</p> <p>AMD 11</p>	<p>the following ways:by taking once the daily rest period 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 7 hours. Complying with the same conditions, this derogation may be used twice in a single occasional passenger service with a duration of at least 8 consecutive 24 hour periods.?’;</p>	
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (2a), point (a)				
38	(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;	<p><i>deleted</i></p> <p>AMD 12 <i>This option is incorporated into line 37</i></p>	<i>This option is incorporated into line 37</i>	<i>deleted</i>
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (2a), point (b)				
39	(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.	<p><i>deleted</i></p> <p>AMD 13</p>		<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (2a), first paragraph				
40	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.	<i>Each of the derogations referred to in the first subparagraph, points (a) and (b),</i> <u>Such a derogation</u> may be used only once during the journey referred to in the first subparagraph. AMD 14	The option to use the derogation two times is incorporated in line 37	
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (2a), second paragraph				
41	The driver shall indicate the reason for such derogation, manually on the record sheet of the recording equipment, on a printout from the recording equipment or in the duty roster, at the latest on arrival at the destination or at the suitable stopping place.;		Control provisions harmonised for all derogations in Article 16 new paragraphs 4 and 5	
Article 1, first paragraph, point (3)(b)				
42	(b) in paragraph 6a, the introductory phrase and point (a) are replaced by the following:		(b) in paragraph 6a, the introductory phrase and point (a) are is replaced by the following:	editorial
Article 1, first paragraph, point (3)(b), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
43	<p>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:</p>		<p>‘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.’;</p>	<p>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:</p> <p>Text Origin: Commission Proposal</p>
Article 1, first paragraph, point (3)(b), amending provision, first paragraph(c)				
44	<p>(a) the service lasts at least 24 consecutive hours;</p>	<p><i>deleted</i></p> <p>AMD 15</p>	<p>(a)(c) the service lasts at least 24 consecutive hours in paragraph 6a, point (a) is deleted;-</p>	<p>editorial</p>
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (ab)				
44a		<p><i>(ab) in paragraph 6a, first subparagraph, the following point is inserted:</i></p> <p><i>(ba) a digital journey form with the required information set out in Regulation (EC) No 1073/2009 has been electronically registered</i></p>		

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<p><u>prior to the start of the journey;</u></p> <p>AMD 16</p>		
Article 1, third paragraph, point b, amending provision, first paragraph, point (bb)				
44b		<p><u>(bb) in paragraph 6a, first subparagraph, the following points are added:</u></p> <p><u>(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;</u></p> <p><u>(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</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<p><u>for IMI;</u> <u>(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;</u> <u>(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.</u></p> <p>AMD 17</p>		
Article 1, third paragraph, point b, amending provision, first paragraph, point (bc)				
44c		<p><u>(bc) In paragraph 6a, the second subparagraph is replaced by the</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<p><u>following:</u> <i>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.</i></p> <p>AMD 18</p>		
Article 1, fourth paragraph, introduction				
44d			(4) In Article 16, the following paragraphs are added:	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
Article 1, fourth paragraph, point (4), first subparagraph				
44e			<p>‘4. For the purpose of road side checks, the driver shall be able to justify the use of the derogations under Article 7(4) and Article 8(2a) and (6a):</p>	
Article 1, fourth paragraph, point (4)(a)				
44f			<p>a) by carrying a completed form (‘journey form’) on board of the vehicle. The transport undertaking is responsible for equipping the driver with completed journey forms prior to each journey. The journey form shall contain at least the following information:</p> <ul style="list-style-type: none"> (i) the type of service; (ii) the main itinerary, including dates of the journey; (iii) the carrier(s) involved. 	
Article 1, fourth paragraph, point (4)(b)				
44g			<p>b) by carrying on board paper or electronic copies of such journey forms which cover the previous 28 days, and, from 31 December 2024, the previous 56</p>	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
			days. That obligation shall cease to apply when the vehicle uses a tachograph allowing the recording of the type of passenger service referred to in paragraph 5.	
Article 1, fourth paragraph, point (4), second subparagraph				
44h			For national services, the journey form applying to international services may be used, adapted to indicate its use for national service. The Commission may, by way of an implementing act, establish the format of the journey form for national services to simplify control, if appropriate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 24(2a).	
Article 1, fourth paragraph, amending provision, point (5)				
44i			5. To ensure uniform application and enforcement of Article 7(4) and Article 8(2a) and (6a), the Commission shall include, at the earliest occasion of reviewing Commission	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
			Implementing Regulation (EU) 2016/799 or any implementing act replacing it, appropriate technical specifications allowing to record and store data on the tachograph relating to the type of the passenger service, namely regular or occasional passenger service. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2a); the date of application of those implementing acts shall be set after consultation of the relevant stakeholders.’;	
Article 1, fifth paragraph, introduction				
44j			(5) In Article 19, the first subparagraph of paragraph 2 is replaced as follows:	
Article 1, fifth paragraph, amending provision, point (2)				
44k			‘2. A Member State shall 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	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
			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.’.	
Article 2				
45	Article 2		Article 2	Article 2 Text Origin: Commission Proposal
Article 2, first paragraph				
46	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 2, second paragraph				
47	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
				Text Origin: Commission Proposal
Article 2, second paragraph a				
47a		<p><u><i>(2a) 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^{1a} 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.</i></u></p> <p><u><i>^{1a} 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</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ comments
		<u>Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).</u> AMD 19		
Formula				
48	Done at Brussels,			
Formula				
49	For the European Parliament		For the European Parliament	
Formula				
50	The President		The President	
Formula				
51	For the Council		For the Council	
Formula				
52	The President		The President	