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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	16983/23 16343/23 15208/23
No. Cion doc.:	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 – Preparation for the trilogue

I. INTRODUCTION

1. On 24 May 2023, the Commission submitted to the Council 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.

2. The aim of the proposal is a more flexible distribution of breaks and rest times for professional drivers engaged in occasional passenger transport services, and an alignment of rules between international and domestic services of this kind. The Commission does not propose changes to the minimum duration of breaks or rest periods or to maximum driving times. The overall objective is to ensure efficient and high-quality services to the passengers, and at the same time to improve the working conditions of drivers, in particular to minimise their stress and fatigue.
3. Special rules on breaks and rest times for the occasional passenger transport service are motivated by characteristics of that service which are different from passenger line service and from freight carriage by road, in particular
- seasonality,
 - interaction with passengers,
 - frequent *ad hoc* changes occurring to the planning,
 - less average daily driving time and
 - more concentrated driving at the beginning and at the end of the trip.

In 2020, the European legislators had asked the Commission to evaluate possible rules in this regard.¹

II. WORK IN THE COUNCIL AND WITH THE PARLIAMENT

4. Following an initial discussion of the proposal in the Working Party on Land Transport under the Swedish Presidency, and the development of a compromise under the Spanish Presidency, Council reached a general approach on 4 December 2023.²

¹ See Article 8(10) of Regulation (EC) No 561/2006, inserted by amending Regulation (EU) 2020/1054, OJ L 249, 31.7.2020, p. 1.

² See ST 16343/23.

5. The European Parliament has designated the Committee on Transport and Tourism (TRAN) as the committee responsible for this proposal, where Ms Henna VIRKKUNEN (EPP, FI) is the rapporteur, and the Committee on Employment and Social Affairs (EMPL) as associated committee, where Ms Marianne VIND (S&D, DK) is the rapporteur. A vote on Ms VIND's report took place on 7 November 2023, and on Ms VIRKKUNEN's report on 16 November 2023. On 12 December 2023, the European Parliament adopted, by 477 votes to 101 against, with 41 abstentions, 19 amendments to the proposal and referred the file back to the committee for interinstitutional negotiations.
6. The European Economic and Social Committee adopted an opinion on 21 September 2023. The Committee of the Regions decided not to issue an opinion.
7. The Belgian Presidency started further work in the Working Party on Land Transport with a first examination of the 4-column document on 9 January 2024.¹
8. Based on a written exchange between the rapporteur, Ms VIRKKUNEN, and the Presidency, a first interinstitutional technical meeting took place on 9 January 2024.
9. The Presidency then presented a compromise document, encompassing the main issues of the file, to the Working Party on Land Transport on 16 January 2024. The compromise was largely well received; however, several delegations highlighted their preference for the general approach in respect of the derogation on breaks, and others showed willingness to move further towards the Parliament's position with regard to digitalisation.
10. A second interinstitutional technical meeting followed on 22 January 2024. In that meeting, an approximation of positions was possible on the non-political issues. The main items for the political trilogue were identified as being: flexibility on breaks (line 34), flexibility on daily rest (lines 37-41), the journey form and its digitalisation (lines 44a-b, d-h), , tachograph modernisation (lines 44i, 47a), and territorial scope of penalties (lines 44j-k). The Presidency informed the working group about the results of that meeting on 23 January 2024.

¹ See ST 16983/23.

III. PRESIDENCY SUGGESTIONS IN VIEW OF THE TRILOGUE

11. The main points of the two institutions' initial positions can be summarised as follows:

Element	Common ground	Parliament vote	Council general approach
1. Breaks to the driving, Art. 7, lines 33-34	Flexible length $\geq$ 15 minutes	Maximum split of 45 minutes into 2 breaks	Maximum split of 45 minutes into 3 breaks. Max 7h driving
2. Start of the daily rest, Art. 8(2a), lines 37-40	For trips $\geq$ 6 days. Only 1 additional hour. Max 7h driving	Derogation can only be applied once during the trip	Derogation can be applied a second time when trip $\geq$ 8 days
3. Postponement of weekly rest, Art. 8(6a), line 42-44	Commission proposal, without Art. 8(6a) point (a)		
4. Control provisions (manual documentation, journey forms, digitalisation), Art. 8(6a) and 16(4), lines 41, 44a-b, d-h	Journey form on board to use derogation in points 2 and 3.	Prior submission of form through new module in the IMI ¹ . Document reason in writing for using derogation in point 2.	Journey form for use of any of the derogations Possibility to use forms applying to national services. Use of derogations by the driver on previous trips to be covered by corresponding journey forms
5. Control provisions (digital tachograph), Art. 16(5), Art. 2(2a) of the amending act, lines 44i, 47a	Commission to extend digital tachograph to cover type of carriage	Commission legislative proposal within one year	Commission amendment to tacho specifications at earliest occasion
6. Penalties, Art. 19(2), line 44j-k			Possibility to penalise tachograph infringements committed in another MS
7. Commission monitoring, Art. 8(6a), line 44c		Commission obligation to monitor and report on the use and impact of derogation in point 3.	

12. The Presidency is of the view that the initial positions on this file are close enough to try achieving a political agreement in one trilogue, having in mind the forthcoming end of the parliamentary term.

¹ Internal Market Information System.

13. In this endeavour, the Council should defend its additions to the proposal concerning control provisions (points 4 and 5 in the above table) and penalties (point 6) and seek Parliament's agreement to them. The Parliament's request to move towards electronic forms (lines 44a-b) should in principle be supported. However, creating a module in the Internal Market Information System (IMI) only for journey forms used in the occasional passenger transport would appear disproportionate, according to the Commission, and could lead to a patchwork of solutions. The Presidency suggests that the Commission be tasked to study and propose, where appropriate, digitalisation of administrative documentation requirements in a horizontal way (see proposal line 44a); the Parliament prefers moving forward on the journey form quickly in order to kick-start a broader development. As regards the future new feature of the tachograph, the Presidency understands the Parliament's request for more visibility time-wise. It is, however, important to ensure that problems encountered with the recent update of the digital tachograph be avoided, and that the modernisation will not represent an excessive burden to the sector, which is dominated by small enterprises.
14. As regards the derogations (points 1 to 3 in the above table), the discrepancies only concern the flexibility in taking breaks during driving (point 1 in the above table, line 34) and the postponement of the daily rest (point 2). For the sake of the overall balance of the proposal, the Presidency considers it most important to maintain the option of exercising the postponement of the daily rest twice in case of longer trips (line 37). This stance is supported by the Working Party.
15. Regarding the flexibility in taking breaks during driving (line 34), the Presidency considers necessary and appropriate to move towards the European Parliament to ensure an overall agreement. The Parliament acknowledges that the Council position offers more flexibility, but refuses a split of the obligatory 45 minutes break into three portions of 15 minutes, arguing that the quality of the shorter rests is not sufficient for the driver. The Parliament acknowledges that the Council has added a meaningful safeguard by allowing the use of the derogation only when the overall driving time does not go beyond 7 hours. However, it considers this restriction to be difficult to follow in practice, as the breaks are taken at a moment when the overall driving time may be planned, but not effectively known due to possible later delays and other circumstances beyond the control of the driver.

16. At the Working Party, many delegations saw the Parliament's position on this element as a valid alternative. However, several delegations insisted that the restriction to daily driving of no more than 7 hours should be kept in the text. The Presidency is of the view that this safeguard was justified primarily to counterbalance the possibility of a split into three breaks. However, the Parliament's position sticks to the current rule that the break may only be split into two, which ensures that, when such a split is done, at least one of the breaks, if not both, is longer than 15 minutes (for example, 20 minutes plus 25 minutes). Bearing in mind the argument from the practical side put forward by the Parliament, which is supported by the Commission, and that several Member States had misgivings, like the Parliament, for allowing three breaks of 15 minute only, the Presidency holds the view that a solution along the lines of the Parliament's position would provide an acceptable outcome.
17. As regards other elements of the Parliament's position which stand alone, the Presidency would like to highlight two of them.
18. The recital in line 21a on Commission guidelines and the role of social partners in the enforcement of rules does not seem necessary. Regulation (EC) No 561/2006 already obliges the Commission in its Art. 22(4) to support dialogue between Member States concerning the interpretation and application of the Regulation through the comitology procedure, and in its Art. 25 allows the Commission to examine cases of different application or enforcement and to clarify the Regulation by means of implementing acts. Moreover, Article 11 of the Enforcement Directive (Directive No 2006/22/EC), which enforces Regulations (EC) No 561/2006 and (EU) No 165/2014, provides for establishing guidelines on best enforcement practice. The Presidency would therefore argue for not inserting this recital into the text. The Parliament attaches political importance to the recital. The Commission has misgivings particularly on the parts of the text which refer to roles in enforcement. A compromise drafted by the Commission may provide a fall-back option.

19. The Parliament's request for a specific monitoring and reporting activity of the Commission in respect of the derogations is in principle a valid request, bearing in mind that Regulation (EC) No 561/2006 saw for a similar monitoring when the option to postpone the weekly rest was introduced in the year 2009 for international occasional passenger transport¹; the Presidency suggests that this element be incorporated as an emphasis into the biannual reports of the Commission (see compromise proposal line 20c).
20. Proposed elements of compromise are set out in the 4-column table in the Annex, marked as 'Presidency compromise proposal'. The green rows are the lines provisionally agreed with the Parliament.

IV. CONCLUSIONS

21. The Permanent Representatives Committee is invited to endorse the Presidency's strategy for a conclusive negotiation and the related compromise proposals as outlined in this note and its Annex, and to give the corresponding mandate for the trilogue on 29 January 2024.

¹ Art. 8(6a) last subparagraph of Regulation (EC) No 561/2006.

**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)

DRAFT [Version for Coreper 26 January 2024]

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
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	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
			Regulation (EU) No 165/2014 committed in another Member 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, Text Origin: Commission Proposal
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, Text Origin: Commission Proposal
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, Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
Citation 3				
6	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. . After consulting the Committee of the Regions ⁺ ,
Citation 6				
9	Acting in accordance with the		Acting in accordance with the	Acting in accordance with the

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	ordinary legislative procedure,		ordinary legislative procedure,	ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
10	Whereas:		Whereas:	Whereas: Text Origin: Commission Proposal
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. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	Recital 2			
12	(2) The rules on maximum daily 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. 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).		(2) The rules on maximum daily 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. 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).	(2) The rules on maximum daily 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. 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). Text Origin: Commission Proposal
	Recital 3			
13				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	(3) However, the specificities of the occasional road passenger transport sector are not shared by the road freight transport or the regular road passenger transport sector. Occasional road passenger transport is characterised by high seasonality and different lengths of time spent driving which depend on the touristic activities undertaken by passengers. It needs to accommodate unscheduled and impromptu requests from passengers in terms of additional stops and changes of the route or the schedule, wherever feasible. Occasional road passenger transport generally involves less driving time when compared to freight transport or regular bus services. In addition drivers usually sleep in hotels, and seldom drive at night. On the other hand, drivers during the working time may be subject to some additional activities, often resulting from interactions with passengers.	(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 <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. AMD 1	(3) However, the specificities of the occasional road passenger transport sector are not shared by the road freight transport or the regular road passenger transport sector. Occasional road passenger transport is characterised by high seasonality and different lengths of time spent driving which depend on the touristic activities undertaken by passengers. It needs to accommodate unscheduled and impromptu requests from passengers in terms of additional stops and changes of the route or the schedule, wherever feasible. Occasional road passenger transport generally involves less driving time when compared to freight transport or regular bus services. In addition drivers usually sleep in hotels, and seldom drive at night. On the other hand, drivers during the working time may be subject to some additional activities, often resulting from interactions with passengers.	(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 <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. Presidency compromise proposal Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
Recital 4				
14	(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.		(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.	(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. Text Origin: Commission Proposal
Recital 5				
15				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	(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.		(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.	(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. 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.	(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	Content depends on decision on line 34 Technical meeting 22 January: EP considers reference to the Directive too limiting, working time rules at national level should not be excluded from the reference.

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		AMD 2	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. 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	(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 ¹ 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 ² .		(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 ¹ 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 ² .	(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 ¹ 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 ² .

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	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). 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).		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). 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).	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). 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). Text Origin: Commission Proposal
Recital 8				
18	(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.	(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 from taking 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>	(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.	Note: Content depends in decision on line 34

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		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> AMD 3		
Recital 9				
19	(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	(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	(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 <u>respectively</u>, and should postpone the start only	Note: Content lower part depends on decisions on lines 37 41 Technical meeting 22 January : EP insists in reference to ELA. Commission to check wording.

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	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.	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 6 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 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> AMD 4	when carrying out journeys of 8 single occasional services of 6 days or longer. Such flexibility should be further limited to only one of each derogation so that the derogation may be used only once during the period of the tour, 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. 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.	
Recital 10				
20	(10) Limiting the possibility to	(10) Limiting the possibility to	(10) Limiting the possibility to	(10) Limiting the possibility to

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	postpone the weekly rest period for up to 12 consecutive 24-hour periods exclusively to occasional international passenger services has a negative impact in terms of undistorted and fair competition between operators, especially small and medium enterprises. Occasional national passenger services might as well provide their services under the same conditions as occasional international passenger services in terms of the distance travelled or the duration or services rendered to passengers. Occasional national passenger services should therefore also benefit from such possibility.	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 also benefit from such possibility. AMD 5	postpone the weekly rest period for up to 12 consecutive 24-hour periods exclusively to occasional international passenger services has a negative impact in terms of undistorted and fair competition between operators, especially small and medium enterprises. Occasional national passenger services might as well provide their services under the same conditions as occasional international passenger services in terms of the distance travelled or the duration or services rendered to passengers. Occasional national passenger services should therefore also benefit from such possibility.	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 also benefit from such possibility. Presidency compromise proposal
Recital 10a				
20a		<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</u>	(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	Presidency compromise proposal: Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		<u>the possibility to postpone the weekly rest period for up to 12 consecutive 24 hour periods, a digital journey form should be electronically registered prior to the start of the journey in addition to the tachograph records and the printout from the recording equipment or the duty roster. The digital forms should be accessible in real time during road side checks and be solely used for controls of compliance and enforcement. For this purpose the Commission should develop a multilingual interface on the basis of the Internal Market Information (IMI) system to allow operators to upload their digital journey forms.</u> AMD 6	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, when reviewing the technical specifications of the tachograph, develop a possibility to record the type of the passenger service (regular or occasional passenger service).	
Recital 10b				
20b			(10b) Regulation (EC) No 561/2006 requires Member States to lay down rules on	Presidency compromise proposal: Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
			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 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	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
			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.	
Recital 10c				
20c		<u>(10b) To ensure efficient and high-quality occasional passenger transport services as well as good working and driving conditions for drivers, the Commission should carry out an assessment report two years after the adoption of these new rules in order to study their effect on working conditions and the attractiveness of the sector as well as to evaluate the enforcement of these rules. When relevant, the Commission should consider proposing new measures based on the findings of the report.</u> AMD 7		<u>(10b) To ensure efficient and high-quality occasional passenger transport services as well as good working and driving conditions for drivers, the Commission will evaluate the enforcement of these rules and their effect on the working conditions of the drivers and the attractiveness of the sector. This evaluation will be the subject of a specific chapter in the biennial report of the Commission as referred to in Article 17 of this Regulation. When relevant, the Commission will consider proposing new measures based on the findings of the evaluation.</u> Based on Commission suggestion Presidency compromise proposal

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
Recital 11				
21	(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.		(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 Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	Presidency compromise proposal: Keep GA
Recital 11a				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
21a		<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 conditions for the implementation of this Regulation, the Commission, after receiving inputs from the interested</u>		Presidency compromise proposal: prefer deletion. Technical meeting 22 January : politically important to EP. Fall-back: Compromise by the Commission: <i>The Commission should promote, with the full involvement of social partners and Member States, a common approach on the application and enforcement of this Regulation, including by developing guidelines and fostering cooperation between all parties concerned.</i> .

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		<u>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> AMD 8		
Recital 11b				
21b		<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 regular or occasional.</u>		similar Council amendment n line 20a, last sentence Presidency compromise: GA Text last sentence in line 20a may be presented in own recital. Important to avoid a 'big bang' of shifting to this feature. Technical meeting 22 January: Parliament insists on clearer path towards additional specifications for the tachograph.
Recital 12				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
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				
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

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
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*; Text Origin: Commission Proposal
Article 1, first paragraph, point (1)(a), amending provision, second paragraph				
29				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	_____		_____	_____ 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
Article 1, first paragraph, point (1)(b), amending provision, numbered paragraph (na)				
32	,		,	,

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	(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, second paragraph				
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, second paragraph, first subparagraph				
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, provided that the total accumulated daily driving time	‘ 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.;’

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		AMD 10	for that day does not exceed 7 hours.';	Presidency compromise proposal
Article 1, third paragraph				
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, third paragraph, point 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, third paragraph, point 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 a single occasional passenger service <u>accompanied by one journey form</u> , with a duration of at least 8 <u>6</u> days may derogate from paragraph	2a. Provided that road safety is not thereby jeopardised, a driver engaged in a single occasional passenger service with a duration of at least 8 days 6 consecutive 24 hour periods may derogate from paragraph 2, first subparagraph, in the following ways: by taking once	2a. Provided that road safety is <u>and the working conditions of the driver are</u> not thereby jeopardised, a driver engaged in a single occasional passenger service with a duration of at least 8 days <u>6 consecutive 24 hour periods</u> may derogate from paragraph 2, first

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		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: AMD 11	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.';	subparagraph, in the following ways: <u>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.'</u> Presidency compromise proposal.
Article 1, third paragraph, point (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;	<i>deleted</i> AMD 12 <i>This option is incorporated into line 37</i>	<i>This option is incorporated into line 37</i>	<i>deleted</i>
Article 1, third paragraph, point 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	<i>deleted</i>		<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	time for that day has not exceeded 5 hours.	AMD 13		
Article 1, third paragraph, point a, amending provision, numbered paragraph (2a), second subparagraph				
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.	Each of the derogations referred to in the first subparagraph, points (a) and (b). Such a derogation 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	Presidency compromise proposal: Keep GA
Article 1, third paragraph, point a, amending provision, numbered paragraph (2a), third subparagraph				
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	Presidency compromise proposal: Keep GA
Article 1, third paragraph, point b, introduction				
42	(b) in paragraph 6a, the		(b) in paragraph 6a, the	

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	introductory phrase and point (a) are replaced by the following:		introductory phrase and point (a) are replaced by the following:	editorial
Article 1, third paragraph, point b, amending provision, introduction				
43	‘ 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:		‘ ‘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.’;	‘ 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: Text Origin: Commission Proposal
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (a)				
44	(a) the service lasts at least 24 consecutive hours;.	deleted AMD 15	(a)(c) the service lasts at least 24 consecutive hours in paragraph 6a, point (a) is deleted;-	editorial
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (ba)				
44a		‘ <u>(ba) in paragraph 6a, first subparagraph, the following point</u>		<u>The Commission shall examine the options for digitalisation of the journey form within the</u>

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		<i>is inserted:</i> <i>(ab) a digital journey form with the required information set out in Regulation (EC) No 1073/2009 has been electronically registered prior to the start of the journey;</i> AMD 16		<i>framework of the Single European Digital Enforcement Area.</i> text as part of Council control provisions, after line 44h Presidency compromise proposal. EP insists on a stronger commitment for the Commission, in terms of studying the option of IMI and providing timely an action plan
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (ab)				
44b		<i>(bb) in paragraph 6a, first subparagraph, the following points are added:</i> <i>(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;</i> <i>(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</i>		Presidency compromise proposal: Keep GA

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		<u>the roadside inspections, the European Commission shall develop a multilingual interface, to which operators have access and via which they shall submit the electronic journey forms before the start of the journey. For this purpose, the Commission may also explore the possibility to develop one or more new modules for IMI;</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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		<u>start of the journey. The form shall be accessible in real time and solely used for the purpose of control and enforcement.</u> AMD 17		
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (ac)				
44c		<u>(bc) In paragraph 6a, the second subparagraph is replaced by the following:</u> <u>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,</u>		Presidency compromise proposal: see line 20c

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
		<u><i>the Commission shall propose amendments to this Regulation in this respect.</i></u> AMD 18		
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (ad)				
44d			(4) In Article 16, the following paragraphs are added:	Presidency compr. proposal: Keep GA l. 44d to 44h
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (ae)				
44e			‘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):	
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (af)				
44f			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	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
			shall contain at least the following information: (i) the type of service; (ii) the main itinerary, including dates of the journey; (iii) the carrier(s) involved.	
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (ag)				
44g			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 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, first paragraph, point (3)(b), amending provision, first paragraph, point (ah)				
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	

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
			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, first paragraph, point (3)(b), amending provision, first paragraph, point (ai)				
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 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.’;	Presidency compromise proposal: Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (aj)				
44j			(5) In Article 19, the first subparagraph of paragraph 2 is replaced as follows:	Presidency compromise proposal: Keep GA
Article 1, first paragraph, point (3)(b), amending provision, first paragraph, point (ak)				
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 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.’.	Presidency compromise proposal: Keep GA
Article 2				
45	Article 2		Article 2	Article 2

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
				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. Text Origin: Commission Proposal
Article 2, second paragraph a				
47a		<u>(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</u>		Presidency compromise proposal: Keep GA Sufficiently covered in line 44i

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		<u>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.</u> <u>^{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 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				

	Commission Proposal	EP Mandate	Council Mandate	Agreed/ compromise proposals
	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	