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FINAL REPORT

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Abbreviations

AETR	EUROPEAN AGREEMENT CONCERNING THE WORK OF CREWS OF VEHICLES ENGAGED IN INTERNATIONAL ROAD TRANSPORT
ATC	AUSTRALIAN TRANSPORT COUNCIL
BDO	BUNDESVERBAND DEUTSCHER OMNIBUSUNTERNEHMER (<i>GERMAN ASSOCIATION FOR BUS AND COACH</i>)
CPT	IRU PASSENGER TRANSPORT COUNCIL
CPT UK	CONFEDERATION OF PASSENGER TRANSPORT UK
EC	EUROPEAN COMMISSION
EP	EUROPEAN PARLIAMENT
ETF	EUROPEAN TRANSPORT WORKERS' FEDERATION
EU	EUROPEAN UNION
EU15	EU MEMBER STATES BEFORE THE 2004 ENLARGEMENT
EU13	THE MEMBER STATES WHICH JOINED THE EU IN 2004, 2007 AND 2013
FRI	FATIGUE AND RISK INDEX
HSE	HEALTH AND SAFETY EXECUTIVE
IRU	INTERNATIONAL ROAD TRANSPORT UNION
KNV	KONINKLIJK NEDERLANDS VERVOER (<i>DUTCH ASSOCIATION FOR BUS AND COACH</i>)
NRTC	US NATIONAL ROAD TRANSPORT COMMISSION
NTSB	US NATIONAL TRANSPORTATION SAFETY BOARD
SEK	SWEDISH KRONA
SVB	SVERIGES BUSSFÖRETAG (<i>SWEDISH ASSOCIATION FOR BUS AND COACH</i>)
VOSA	UK VEHICLE AND OPERATOR SERVICES AGENCY

Glossary of terms

MULTI-MANNING	The situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first hour of multi-manning the presence of another driver or drivers is optional but for the remainder of the period it is compulsory.
OCCASIONAL SERVICES	Services which do not fall within the definition of regular services and the main characteristic of which is the carriage by bus or coach of groups of passengers constituted on the initiative of the customer or the carrier himself.
REGULAR SERVICES	Services which provide for the carriage of passengers by bus or coach at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points.
REST	Uninterrupted period where a driver may freely dispose of his time. Time spent working in other employment or under obligation or instruction, regardless of the occupation type, cannot be counted as rest, including work where drivers are self-employed.
WEEKLY REST PERIOD	The weekly period during which drivers may freely dispose of their time. It may be either a 'regular weekly rest period' (45 hours) or a 'reduced weekly rest period' (24 hours).

Executive Summary

The purpose of this study is to inform the International Road Transport Union (IRU) on the application of the requirements on driving times and rest periods in the passenger road transport sector, by providing an overview of the relevant EU social legislation in this field and a summary of the findings that have been obtained through the consultation exercise that has involved transport operators and drivers of eight Member States (Belgium, Czech Republic, Germany, Italy, Lithuania, Romania, Sweden and United Kingdom).

As well as reflecting the current state of play of EU social legislation, the study offers an in-depth analysis of the most pressing issues that the road passenger transport industry and the professional drivers engaged in this sector perceive as affecting respectively their business and working conditions.

The study also examines the kind of impacts that have been induced by compliance with the rules on driving and rest times and, therefore, seeks to identify factors to which attention ought to be paid in case a strategy heading towards a revision of Regulation (EC) No 561/2006 is pursued by IRU.

In this respect, the analysis undertaken by the study and its main conclusions rely upon an up-to-date factual basis secured by responses submitted by the transport operators and the drivers who answered the survey, which was structured and conducted in such a way as to secure statistical representativeness and robustness of the results.

EU regulatory framework on driving times and rest periods in the road passenger transport sector

The study first outlines the current EU legislative framework that governs driving times and rest periods in the road passenger transport sector, by considering the rationale behind the developments in the legislation which have occurred at European level in this area. Focus is primarily on Regulation (EC) No 561/2006 which sets limits on drivers' permissible daily, weekly and fortnightly driving time, as well as minimum requirements for breaks from driving and minimum requirements for daily and weekly rest periods.

Further reading is offered by the study of Directives 2006/22/EC and 2002/15/EC. The first piece of legislation compels Member States to check, either at the road side or at the premises of the undertakings, a certain proportion of the drivers' working days with the purpose of detecting infringements of Regulation (EC) No 561/2006, while the second piece of legislation supplements Regulation (EC) No 561/2006 by establishing a limit on the working time of mobile workers.

Given the business specificities of road passenger transport, the study has investigated the importance of the 12-day derogation, by describing the evolution in the legislative process that led to its reinstatement with the adoption of Regulation (EC) No 1073/2009, although in a more restrictive manner in comparison with the provision originally set in Regulation (EEC) No 3820/85.

Specific features of the passenger road transport sector

Compared to road haulage, the road passenger transport sector has a distinctive character that is essentially due to the different nature of the transport activity, i.e. carriage of persons instead of goods. This is first because the organisation of passenger transport is different from that one of the road haulage given that the sector is characterised by high seasonality, trips of different length, not limited to weekdays but also during night-time and weekends and, not to the least, with passengers that require high standards for the transport service (breaks, route planning, planning of stopovers, stays). Also, drivers spend much less time driving than in the freight sector as work patterns require mostly short periods of regularly spaced driving. Moreover, the ratio between hours driven and the daily spread-over is lower in the passenger sector than in the freight segment, since the amount of hours actually spent on driving is limited in comparison with the duty time and maximum spread-over.

The study reconstructs this distinguishing character, by dealing with the passenger transport industry’s assertion that the EU social provisions, in the way they have been enacted so far, do not consider the passenger component as a separate operational and service environment with its own distinctive peculiarities and driving patterns compared to the freight sector.

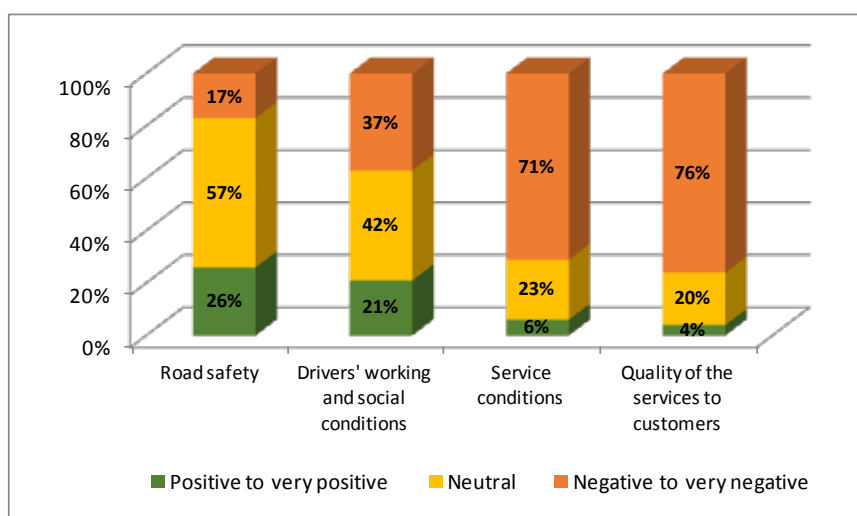
The illustrative examples collected by the study seem to confirm that the current normative body of social rules is badly suited, or does not afford a sufficient degree of flexibility, to meet the needs of the passenger segment of the road transport sector.

EU legislation applied to the passenger transport sector: an assessment

The core part of the study is dedicated to the evaluation of the degree of adequacy of the application of the EU rules on driving and rest times to the road passenger transport sector, including the subsequent of the induced impacts. This part can be ideally divided into two sections: an overall assessment of the EU legislation applied to the passenger transport sector and a dedicated assessment of five thematic areas (daily spread-over, weekly rest, 12-day derogation, breaks and double manning) on which transport operators and drivers were asked to feed back.

The analysis has largely relied upon the findings of the consultation process that targeted transport operators and drivers in eight Member States (Belgium, Czech Republic, Germany, Italy, Lithuania, Romania, Sweden and United Kingdom). Organised in such a manner as to guarantee statistical representativeness and robustness of the results, the survey has resulted in a considerable wealth of both qualitative and quantitative information and provides an analytical account of the issues that most directly affect the working environment of passenger transport undertakings and their professional drivers.

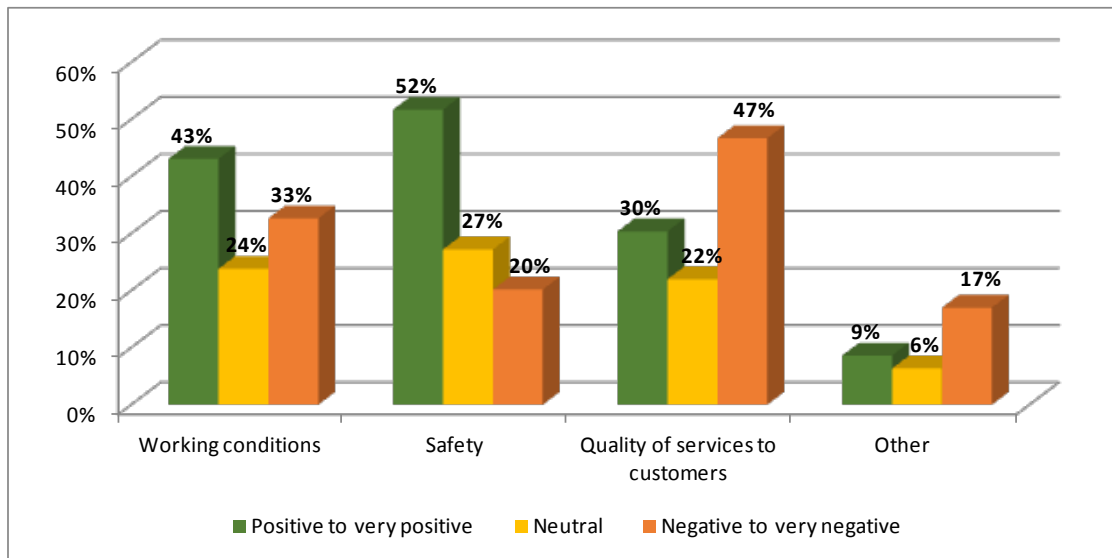
Concerning the **global assessment of EU legislation**, as the study has revealed (Figure I-1), companies largely express criticism of the current application of driving and rest times rules in the passenger transport sector. They consider that the present normative setting has adversely impacted their business activity, in particular as far as quality of the services provided to the customers and business organisation are concerned. Transport companies in particular motivate their stated negative feedback with the fact that the legislation does not provide a sufficient degree of flexibility and, consequently, does not allow to efficiently cope with situations where the needs of passengers have to be taken into account (not always compliant with the EU requirements). Namely, this adversely affects quality of the service and business organisation. According to almost all companies this has resulted in an increase in their operational costs.



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure I-1: Specific impact of the driving time and rest period rules in the road passenger transport sector: views from the transport operators

Drivers have, conversely, a more positive standpoint concerning the impacts produced by the legislation on driving times and rest periods compared to the previous normative setting established under Regulation (EEC) No 3820/85 (Figure I-2). In their views, it holds true that Regulation (EC) No 561/2006 has brought important improvements on road safety and on their working conditions, but they argue that these improvements are not sufficient compared to potential modifications to which they agree would ameliorate further both road safety and their working conditions. Also remarkable, it is also worth noticing that, as borne out by the data collected, this group of respondent echoes the operators’ understanding and perspective and places a negative comment on the impact generated by the EU rules on service conditions and quality of the services to customers.



Proportions calculated on the basis of a sample of N= 441 responses for drivers

Figure I-2: Impact of the driving times and rest periods rules in the road passenger sector: views from the drivers

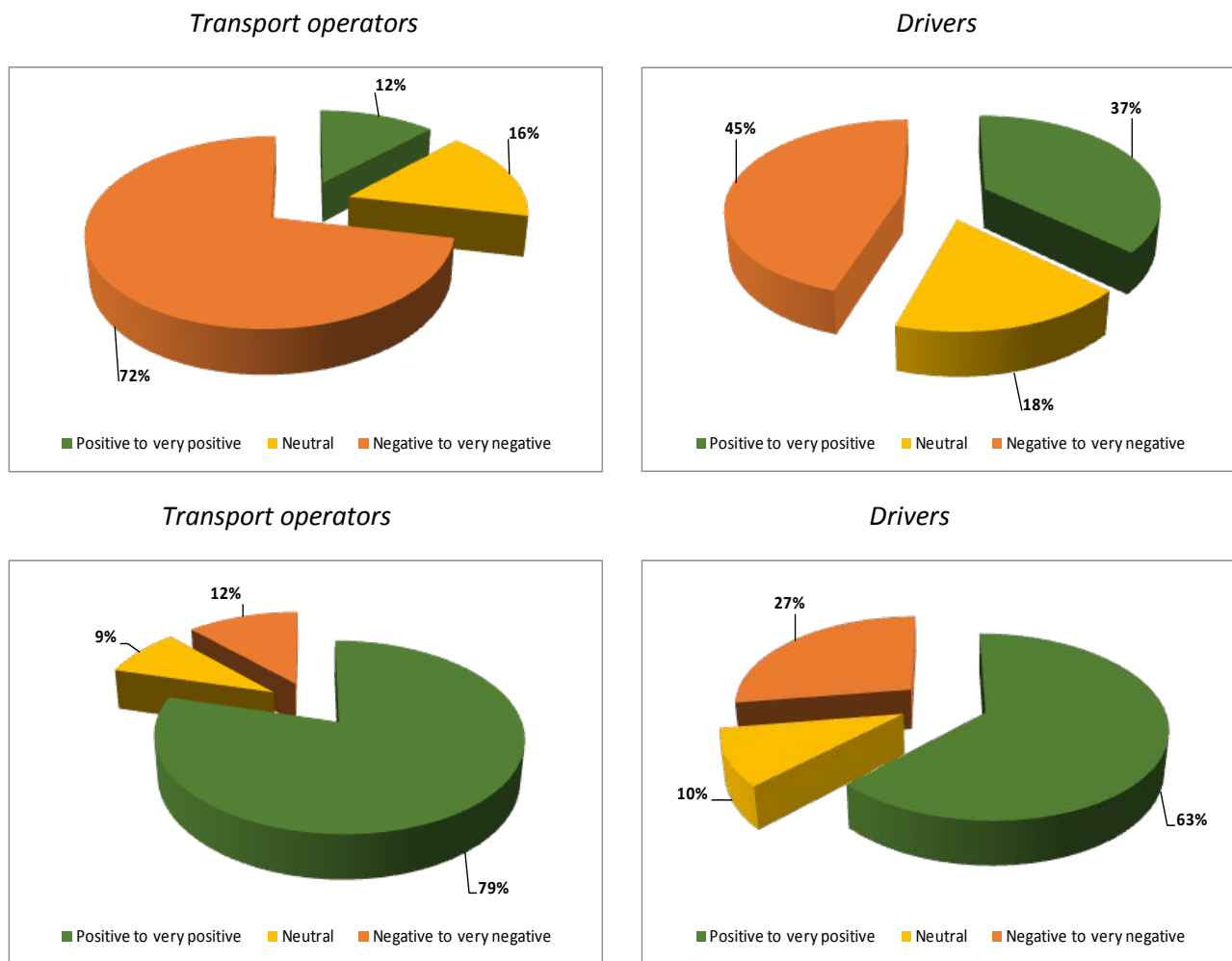
Along with the overall evaluation of the application of EU rules on driving times and rest periods in the road passenger sector, the analysis in this study also insightfully allows to delve into the opinions that passenger transport undertakings and drivers formulated with respect to two possible options to optimise the requirements laid down in Regulation (EC) No 561/2006. These two options (Table I-1) were respectively identified as a “do-nothing scenario” (Option A) and a scenario in which a substantively new legislative discipline would be brought forward (Option B).

Table I-1: Comparison between options to optimise driving times and rest periods in the bus and coach industry

ITEM	OPTION A	OPTION B
Daily spread-over	Keeping the requirements as they are currently laid down in Regulation (EC) No 561/2006 (all items)	Changing the current requirements on daily rest and daily spread-over (i.e. to be able to increase the daily spread-over to 16 hours, as under the previous rules set in Regulation 3820/85/EEC).
Weekly rest		45 hours (regular weekly rest) and the difference with the effectively taken weekly rest of at least 24 hours is taken in compensation during a 13-week reference period if not taken during the same week.
12-day derogation		Changing the current requirements on the 12-day derogation by restoring the requirements laid down in the previous Regulation 3820/85/EEC (no single trip limitation and no extra weekly rest required) but extended to national occasional passenger transport and international services at EU level.
Breaks		Changing the current requirements on breaks by introducing the possibility for drivers to take a break of at least 45 minutes for every 4.5-hour driving period. This break can be taken as a whole or in 3 periods of at least 15 minutes each.
Double manning		Changing the current requirements on double manning by introducing the possibility that a double-manned vehicle can be single-manned for at least the first and (preferably) the last 4.5-hour driving period of the journey.

The examination of the responses provided by transport operators and drivers shows that a normative scenario in which no changes are made to Regulation (EC) No 561/2006 is opposed by the large majority of the companies and, equally, by most of the drivers. Conversely, both groups of respondents significantly value the opportunity to introduce a different discipline on daily spread-over, weekly rest, 12-day derogation, breaks and double manning (Figure I-3).

While companies motivate their support to the revised regulatory regime with arguments of increased business and operational efficiency (with subsequent positive consequences on the quality of the services provided), drivers appreciate the positive impact that this would entail for the quality of the services provided (analogously to the operators) and on their working conditions (compared to the previous normative setting under Regulation (EEC) No 3820/85).



Proportions calculated on the basis of a sample of N= 349 responses for transport operators and N= 441 responses for drivers

Figure I-3: Average degree of appreciation of transport operators and drivers when comparing Options A and B

Fatigue-related scenarios for the requirements on 12-day derogation and weekly rest periods

The above described analysis on driving times and rest periods has been further complemented with an assessment of the fatigue and risk index for two scenarios referring to the requirements ruling respectively the 12-day derogation and the weekly rest periods. Simulations were run by using the Fatigue and Risk Index (FRI) that was designed by the UK Health and Safety Executive (HSE) and have compared for these two elements a set of different working patterns complying, on the one side, with the requirements set by Regulation (EC) No 561/2006 and, on the other side, with those of a possible revision according to the proposals elaborated by the IRU.

As shown in Figure I-4 below, the IRU’s proposal to amend the current requirements on the 12-day derogation, aiming at reinstating the provisions laid down in the previous Regulation (EEC) 3820/85 which allowed drivers to postpone the weekly rest until the end of the 12th driving periods and added to the second week’s weekly rest period, presents a lower average fatigue value compared to the value reported for Regulation (EC) No 561/2006. No difference was found across the options considered for minimum, maximum and average risk indexes which all level off at the same values.

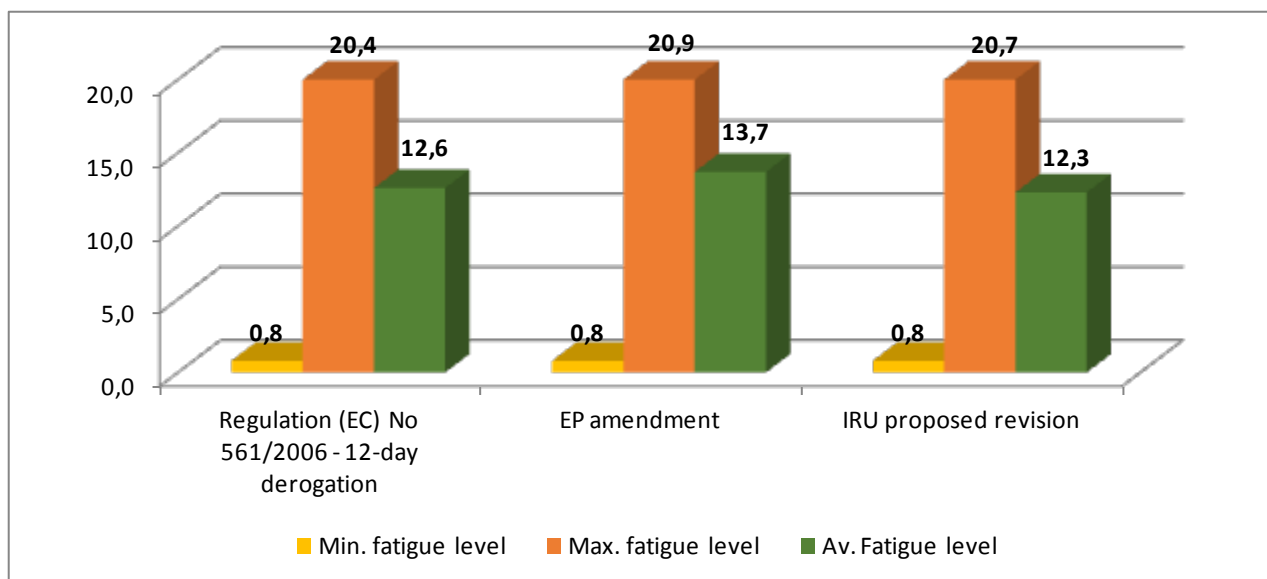


Figure I-4: Summary of Fatigue Index results analysed for working patterns under the requirements for the 12-day derogation

Conversely, for weekly rest the proposal developed by IRU scores a higher average fatigue index compared to current requirements on regular weekly rest for working patterns with both 7am to 5pm and 7am to 7pm shifts, but this index is lower if compared to reduced weekly rest for similar working patterns. In terms of risk level, the FRI index scores equivalent values for all scenarios assessed. The only exception applies in the case of a regular 7am to 7pm shift where the maximum risk level found for the current requirements on the regular weekly rest periods is slightly lower in comparison to the maximum values calculated for the reduced weekly rest and the IRU’s proposed amendment.

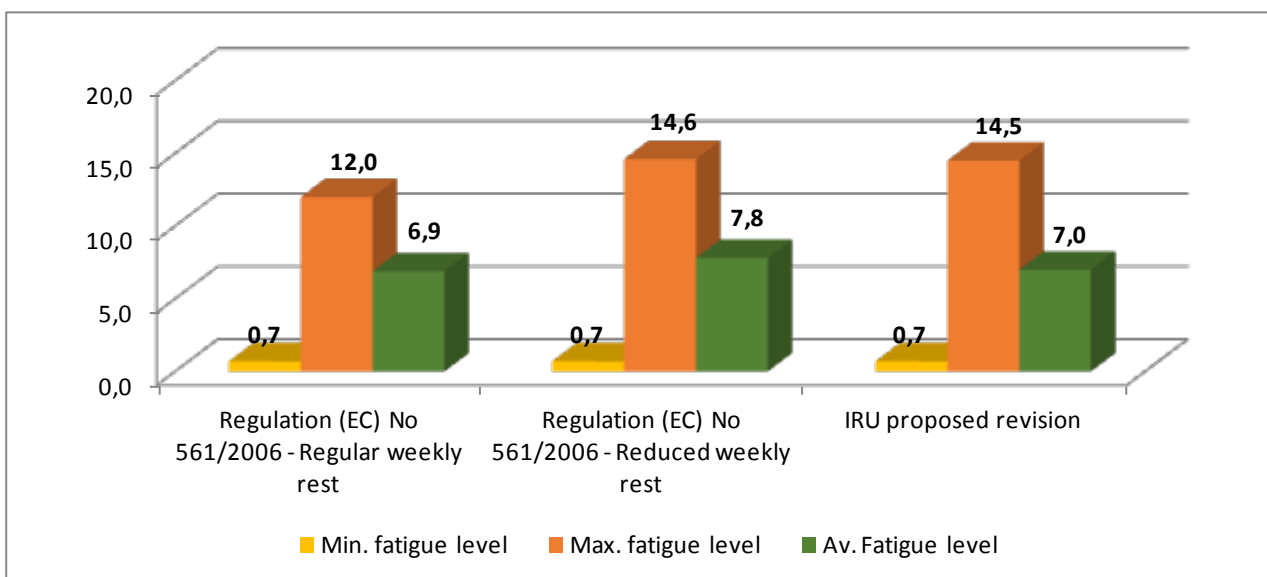


Figure I-5: Summary of Fatigue Index results analysed for working patterns 7am-5pm under the requirements for the weekly rest periods

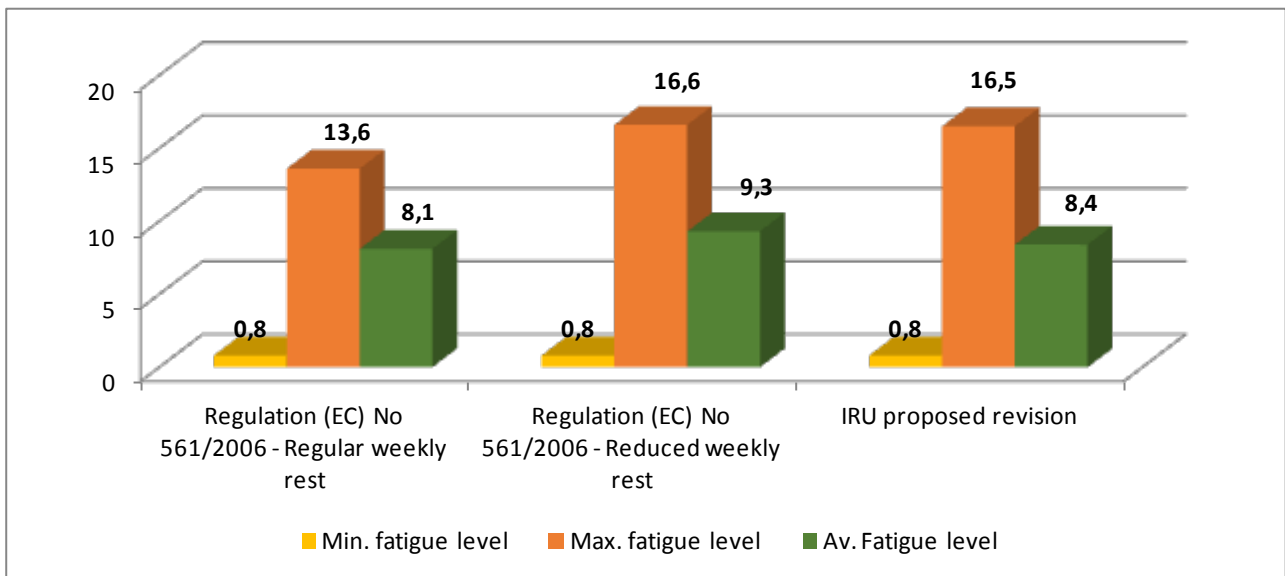


Figure I-6: Summary of Fatigue Index results analysed for working patterns 7am-7pm under the requirements for the weekly rest periods

Difference between the IRU proposal and the current EU requirements on regular weekly rest periods is, however, limited which might suggest that, also in presence of equivalent risk levels across all options considered, a higher flexibility in arranging driving and resting patterns might not be detrimental to social conditions, while it might allow increased operational efficiency.

Main conclusion

The implication of such reasoning, as well as a major conclusion of this study, is that the study has confirmed the problematic application for the road passenger transport sector of the rules on driving times and rest periods currently enacted by the European Union with Regulation (EC) No 561/2006. On the whole the regulatory framework is considered to be inadequate in meeting the specificities of the sector as it does not provide with sufficient flexibility which, given the characteristics of the sector described earlier, makes it difficult for transport operators and drivers to comply with the current EU rules without significantly increasing staff costs and disruption to the customers.

Consequently, a large majority of transport operators as well as the greatest proportion of drivers would favourably support a revision of the present legislative framework confirming, in particular, their appreciation for the proposals of amendment elaborated by the IRU.

Remarkably, the validity of a possible revision of the current requirements on driving and rest times might be further corroborated by the encouraging results that have been obtained for the 12-day derogation and the weekly rest periods. For these two items, and given risk levels that are substantially equivalent across all options scenarios tested, simulations have either yielded a lower average fatigue level (as in the cases of the 12-day derogation and of the reduced weekly rests) or an average fatigue level that is not significantly higher than the one reported for the current EU requirements (as in the case of the regular weekly rest periods).

To this end, the bearings of this reasoning suggest that the higher flexibility in arranging driving and resting patterns that would result from the proposed IRU's amendment might not be detrimental to social conditions, while it might allow increased operational efficiency of the industry.

1. Introduction

1.1 Premise

The current rules that govern the area of working, driving and rest times for the commercial road transport sector in the European Union (EU) have been progressively developed with the purpose of guaranteeing a decent and healthy working environment for professional drivers, while contributing towards an improvement of road safety conditions and safeguarding fair competition between transport operators.

As consolidated today, these social provisions apply to both the freight and passenger segments of the commercial road transport sector. However, the passenger transport industry has constantly criticised the current legislative framework for not appropriately taking into account the specific features of the passenger component. Road passenger transport represents, indeed, a complex operational and service environment with its distinctive peculiarities and driving patterns, as compared to road haulage.

1.2 Objectives of the report

The purpose of this report is to provide information about the adequacy of application of the present EU legislation governing driving times and rest periods for the road passenger transport sector. In this respect, the report aims to discuss the specificities of this sector in order to understand whether and to what extent a dedicated set of passenger transport rules that, involving a distinct rulemaking of driving times and rest periods for professional bus and coach drivers entirely separated from the current provisions of Regulation (EC) No 561/2006, is able to respond more appropriately and more flexibly to the specific operational and working needs of these professional operators across the EU Member States.

In carrying out such an assessment, the report considers the information and practical experiences from companies and drivers operating in the EU commercial road passenger transport segment (scheduled services longer than 50 km, tourist services or any of their sub-sectors, falling under the scope of Regulation (EC) No 561/2006) with a view to evaluating the current state concerning the application of the driving times and rest periods regulations in force, as well as whether the current EU rules fit the specific operational, service and other specific features of the bus and coach industry.

1.3 Structure of the report

Following this introduction, the report is divided into four consecutive chapters. **Chapter Two** offers a concise introduction to the subject of driving times and rest periods as applied in the road passenger transport sector, including a description of the specificities of the bus and coach industry in comparison with the road haulage. **Chapter Three** looks in more detail at the study objectives and the adopted methodology. In particular, this chapter presents the information gathering mechanisms that were used for carrying out the study with a particular emphasis on the online survey targeting road passenger transport undertakings and their drivers, upon which the core analysis is built. This chapter also confirms the statistical representativeness and robustness of the outcome of the survey. **Chapter Four** engages the analysis of the overall feedback provided by the operators about their assessment of the adequacy of the current EU legislation on driving times and rest periods, while **Chapter Five** draws final conclusions.

2 Background and key issues

2.1 EU social legislation relevant to the carriage of passengers by road

The EU legal framework governing the passenger segment of the commercial road transport sector entails a range of legislative acts that discipline both social aspects and access to market for this sector (TRT, 2013¹ and 2012²).

It is important to underline that social provisions in this area apply indistinctively to both the freight and passenger components, but the *rationale* of this common rulemaking has been, however, primarily modelled on road haulage and later adjusted (as is the case, for instance, with the 12-day derogation) to the bus and coach industry.

The main point is, then, that the current normative body does not duly take into account the peculiarities of the bus and coach industry, which has its distinctive operational and service environment and, consequently, involves specific needs in terms of driving times and rest periods for the professional drivers engaged.

That being said, the area of social rules for road passenger transport relies upon the implementation and enforcement of a discipline that is organised around the following pieces of EU legislation:

- Driving times and rest periods (Regulations (EC) No 561/2009³, which is accompanied by a dedicated enforcement directive - i.e. Directive 2006/22/EC⁴ - specifying the minimum control levels required and further complemented by Regulation (EC) No 165/2014⁵ on the recording device, and Directive 2003/59/EC⁶ introducing the Certificate of Professional Competence, CPC),
- Working time in the road transport sector (Directive 2002/15/EC⁷), and
- Access to the international market for coach and bus services (Regulations (EC) No 1073/2009⁸).

1 TRT (2013). Social and Working Conditions of Road Transport Hauliers. Study for the European Parliament, Brussels.

2 TRT (2012). Overview and Evaluation of Enforcement in the EU Social Legislation for the Professional Road Transport Sector. Study for the European Parliament, Brussels.

3 Regulation (EC) No 561/2006 of 15 March 2006 on the harmonisation of certain social legislation relating to road transport, as last amended by Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services.

4 Directive 2006/22/EC of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities.

5 Regulation (EU) No 165/2014 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.

6 Directive 2003/59/EC of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.

7 Directive 2002/15/EC of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities.

8 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.

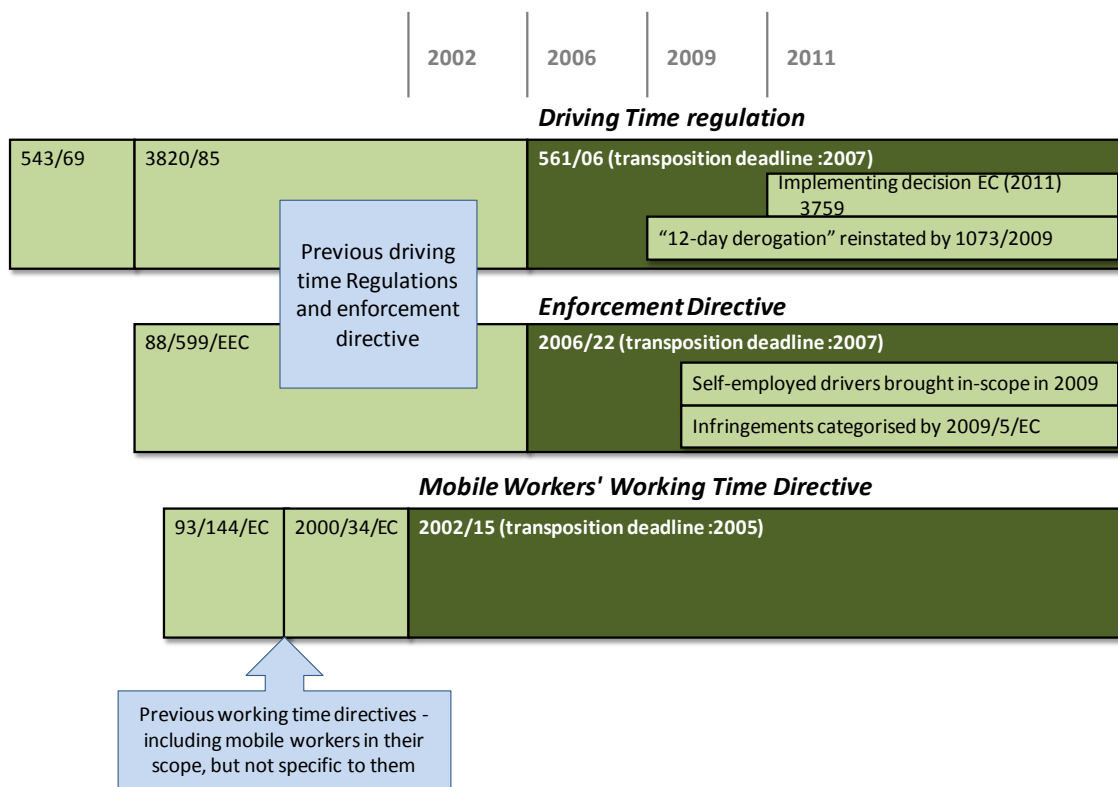


Figure 2-1: Overview of the EU normative setting governing driving times and rest periods in the commercial road transport sector

The first relevant piece of legislation is **Regulation (EC) No 561/2006** which forms the pillar of the legislation that is currently in force in relation to social aspects in the commercial road transport sector (thus covering both the freight and passenger segments). This Regulation is designed to improve working conditions of employees who fall under its scope of application and protect their health and safety, to improve general road safety by reducing the levels of drivers' fatigue as well as to secure fair competition between road transport operators (TRT, 2013⁹).

In force since 11 April 2007, Regulation (EC) No 561/2006 repeals Regulation (EEC) 3820/85¹⁰ that had ruled drivers' hours for almost 20 years and lays down the norms that govern driving times and rest periods of professional drivers. Remarkably, it also makes the onboard fitting of the digital tachograph mandatory on all new vehicles registered in the EU from 1 May 2006 (Article 27).

⁹ See *supra* note 1.

¹⁰ Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport.

Box 2-1: Enforcement of Regulation (EC) No 561/2006 in the passenger road transport sector: an overview

As the previous TRT study on enforcement highlighted (TRT, 2012), generally the transport of passengers subjected to controls and enforcement is by far secondary in comparison with the transport of goods in terms of number of drivers and companies checked, reflecting the dimension of the respective fleets. Conversely, the impact on safety can be higher, and it is therefore very important that enforcement is correctly performed on the passenger side as well.

According to the latest report released by the European Commission (EC) on the implementation of Regulation (EC) No 561/2006 (EC, 2014¹¹), in the years 2011-2012 a total of 751,930 drivers had been checked on the roadside. This represents a proportion of 9% of the total number of drivers (e.g. combining freight and passenger segments) checked during this reporting period, i.e. a reduction of 2% compared to the number of drivers checked during the preceding reporting period 2009-2010.

Its core element is the setting of maximum daily, weekly and fortnightly driving hours and minimum rest periods for drivers who are engaged in a transport activity that, specifically for the case of the passenger segment, deploys vehicles built or adapted for carrying more than nine persons, including the driver (Article 2.1(b)) and operating national or international¹² regular services on routes exceeding 50 km. The current limits on drivers' hours as specified by the EU rules are summarised in Table 2-1 below, which also provides an overview of the legislative changes that Regulation (EC) No 561/2006 has introduced in comparison with the previous regulatory setting laid down by Regulation (EEC) No 3820/85. Major amendments concerned the cancellation of the 12-day derogation, the limitation in the possibility to split daily rest periods, the reduction of the maximum daily spread-over, the limitation to the weekly driving time and, finally, the modifications to the requirements on weekly rest.

Table 2-1: Key requirements established by Regulation (EC) No 561/2006

Limits	As from 11 April 2008 current requirements	Changes in comparison with previous Regulation (EEC) No 3820/85
Daily working limit (maximum daily spread-over)	15 hours (24 hours – 9 hours daily rest).	16 hours.
Daily driving limit (Article 6 (1))	9 hours. Can be extended twice a week to 10 hours.	No change.
Weekly driving limit (Article 6 (2))	A weekly driving time limit of 56 hours is specified.	There was no weekly driving limit specified in legislation.
Two-weekly driving (Article 6 (3))	Maximum 90 hours in any two consecutive weeks.	Maximum 90 hours fortnightly.
Breaks from driving (Article 7)	45 minutes after a driving period of 4.5 hours. The break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the period of 4.5 hours of driving time.	45 minute break on or immediately following 4.5 hours of cumulative driving. The 45 minute breaks can be broken down into breaks of at least 15 minutes each.

11 European Commission (2014). Commission Staff Working Document Report on the implementation in 2009-2010 of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport and of Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities (27th report from the Commission on the implementation of the social legislation relating to road transport).

12 For international journeys, either the EU rules or the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) may apply. Which set of rules applies depends on the type of driving and the type of vehicle being used and, in the case of international journeys, the countries to be visited. For example, international journeys to or through countries that are outside the EU but that are signatories to the AETR are subject to AETR rules. For journeys that are partly in the EU and partly in countries that are neither in the EU nor signatories to AETR, EU rules will apply to that portion of the journey that is in the EU.

Limits	As from 11 April 2008 current requirements	Changes in comparison with previous Regulation (EEC) No 3820/85
Daily rest (<i>Single driver</i>) (Article 8(2))	11 hours in the 24 hour period commencing at the end of the last daily or weekly rest period.	No change.
Splitting of daily rest (Article 8(2))	Regular rest periods can be split into two periods. The first must be at least three hours of uninterrupted rest and can be taken at any time during the day. The second must be at least nine hours of uninterrupted rest, giving a total minimum rest of 12 hours.	Could be made up of two or three periods totalling 12 hours. Each period had to be no less than 1 hour, with the last period being eight hours.
Reduced daily rest (Article 8(4))	Daily rest can be reduced to a minimum of nine consecutive hours no more than three times between any two weekly rest periods. No compensation for the reduction is required.	Daily rest could be reduced to a minimum of nine hours no more than three times per fixed week. Compensation applied.
Daily rest (<i>Multi-manning</i>) (Article 8(5))	9 consecutive hours (or more) within the 30 hours that start from the end of the last daily or weekly rest period.	At least eight consecutive hours within a 30-hour period.
Weekly rest (Article 8(6)¹³)	45 consecutive hours (or more).	No change.
Reduced weekly rest (Article 8 (6)¹⁴)	24 consecutive hours, compensated by an equivalent period of rest taken in one bloc before the end of the third week following the week in question.	Minimum of 36 consecutive hours if taken at base of operation or a minimum of 24 consecutive hours if taken elsewhere.
12-day derogation (Article 8(6a)¹⁵)	Two combined regular rest periods (i.e. 90 hours) or one regular weekly rest (minimum 45 hours) period and one weekly reduced rest period (not less than 24 hours). If a reduced rest is taken, the reduction in rest must be compensated by an equivalent period of rest taken en bloc before the end of the third week following the derogation period.	Weekly rest could be postponed until the end of the 12 th driving period and added to the second week's weekly rest period.

Source: Compilation by the authors based on Regulations (EC) No 561/2006 and (EEC) No 3820/85

In parallel to all this, and specifically remarkable for passenger-carrying vehicles, Regulation (EC) No 561/2006 also involves a specification of the so-called *double manning*, which is the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first hour of double manning the presence of another driver or drivers is optional, but for the remainder of the period it is compulsory. This allows for a vehicle to depart from its operating centre and collect a second driver along the way, providing that this is done within one hour of the first driver starting work. Table 2-2 on the next page provides an example on how the duties of a two-man crew could be organised to take maximum advantage of double manning rules.

13 As last amended by Regulation (EC) No 1073/2009.

14 As last amended by Regulation (EC) No 1073/2009.

15 As last amended by Regulation (EC) No 1073/2009.

Table 2-2: Example of organisation of a two-man crew according to double manning rules

	DRIVER no 1	DRIVER no 2
30-HOUR PERIOD	Daily rest	Daily rest
	Other work 1 hour	Daily rest (not on vehicle) 1 hour
	Driving 4.5 hours	Availability 4.5 hours
	Break plus availability 4.5 hours	Driving 4.5 hours
	Driving 4.5 hours	Break plus availability 4.5 hours
	Break plus availability 4.5 hours	Driving 4.5 hours
	Driving 1 hour	Break plus availability 4.5 hours
	Break 1 hour	Driving 1 hour
	Daily rest (9 hours)	Daily rest (9 hours)

Source: Compilation by the authors based on VOSA (2011)¹⁶

Ancillary to Regulation (EC) No 561/2006 is **Directive 2006/22/EC** (usually referred to as the “*Enforcement Directive*”), which contains a group of provisions to enforce compliance and ensure the proper application of the drivers’ hours rules. The key aim of the Directive is the effort to promote a common approach to interpretation of the rules, enforcement of practices and the categorisation of infringements. Importantly, the Directive requires that Member States check a certain proportion of all mobile workers’ working days at operators’ premises rather than at the roadside.

The Directive also compels Member States to report data on these checks to the EC and requires Member States to make use of a risk rating system for operators in order to improve the effectiveness of enforcement. An annex to the Directive provides a non-exhaustive list of infringements; this annex was amended in 2009 by Directives 2009/4/EC¹⁷ and 2009/5/EC¹⁸ to provide a package of measures to prevent the threat posed by the installation of devices intended to defraud the digital tachograph as well as to improve the enforcement of Regulation (EC) No 561/2009.

The other piece of legislation that needs to be considered in order to comprehensively portray the current EU normative body disciplining the passenger segment of the commercial road transport sector is **Directive 2002/15/EC** (also known as “*Road Transport Working Time Directive*”).

In force since 23 March 2002, Directive 2002/15/EC is a *lex specialis* of the more general working time Directive 2003/88/EC¹⁹ and applies to mobile workers employed by undertakings (also passenger) established in a Member State participating in road transport activities covered by Regulation (EC) No 561/2006. Since 23 March 2009 the Directive also applies to self-employed workers.

The Working Time Directive addresses a gap left in Regulation (EC) No 561/2006 which defines only the permissible maximum driving time, and not the maximum working time which would include both the time spent on driving and other activities such as loading/unloading of goods, and vehicle cleaning and maintenance (TRT, 2013²⁰).

16 VOSA (2011). Rules on Drivers’ Hours and Tachographs. Passenger-carrying vehicles in GB and Europe.

17 Commission Directive 2009/4/EC of 23 January 2009 counter measures to prevent and detect manipulation of records of tachographs, amending Directive 2006/22/EC.

18 Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC.

19 Directive 2003/88/EC of 4 November 2003 concerning certain aspects of the organisation of working time.

20 See *supra* note 1.

Therefore, Directive 2002/15/EC places limitations on the overall working time of workers in the road transport sector²¹. Its purpose is, in fact, to introduce a number of minimum requirements with respect to the organisation of working time in the road transport sector by putting forward *ad hoc* provisions distinguishing between, on the one hand, the amount of time dedicated to working activities and, on the other hand, the amount of time excluded from working activities (which are considered to be breaks or rest periods, or periods of availability). Accordingly, the Directive puts in place minimum daily/weekly periods of rest and adequate breaks and imposes a maximum limit on the number of hours worked per week.

Also, Directive 2002/15/EC requires Member States to ensure mobile workers are informed of the national working time restrictions and that records are kept of working time. Member States are required as well to establish an effective, proportionate and dissuasive system of penalties for infringing the rules.

The pieces of legislation described above coexist with other EU road transport rules, including a body of new Regulations passed in 2009 that seek to introduce European-wide rules for admission to the occupation of transport operator (Regulation (EC) No 1071/2009²²) and to regulate the market for the international carriage of goods (Regulation (EC) No 1072/2009²³) and passengers (Regulation (EC) 1073/2009²⁴). Among other provisions, these Regulations provide for the professional qualification of transport operators, which should include a basic induction to the social rules.

In particular, relevant for the scope of this study is **Regulation (EC) No 1073/2009** (informally known as the “*Access to the International Coach and Bus Market Regulation*”). Since December 2011, this Regulation provides the regulatory framework for access to the international market for coach and bus services. This Regulation is the consolidation of previous Council Regulations (EEC) No 684/92²⁵ and No 12/98²⁶.

Regulation (EC) No 1073/2009 applies to operators engaging in international journeys in the EU using a vehicle designed to carry nine or more persons, either on own account or for hire or reward. On the whole, the Regulation simplifies the procedures for authorising new regular coach services between Member States and reduces the scope for such new services to be refused. Precisely, the Regulation opens up the liberalisation of shuttle services by coach and bus with sleeping accommodation and simplifies authorisation procedures by introducing a Community licence based on a harmonised model and on detailed rules with regard to documentation covering the international carriage of passengers.

The Regulation also establishes the conditions under which non-resident carriers may operate national road passenger transport services (*cabotage*) within a Member State. In the event of carriage from a Member State to a third country and vice-versa, the Regulation applies to the part of the journey on the territory of any Member State crossed in transit.

Importantly, this new Regulation also recasts Article 8(6a) of Regulation (EC) No 561/2006 as it reintroduces – though in a more restrictive manner – the provision on the 12-day derogation for coach or bus drivers engaged in international tour travels²⁷. No modifications are, conversely, brought to the daily rests and breaks which must continue to be taken in line with the existing rules.

21 The average weekly working time may not exceed 48 hours. It is possible to extend the weekly working time to 60 hours as long as 48 hours per week on average are not exceeded within a period of four months.

22 Regulation (EC) No 1071/2009 of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.

23 Regulation (EC) No 1072/2009 of 21 October 2009 on common rules for access to the international road haulage market.

24 See *supra* note 3.

25 Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus.

26 Council Regulation (EC) No 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State.

27 The provision governing the 12-day derogation, for which more details are given in the ensuing section 2.2, was originally laid down in Article 6.1 of Regulation (EEC) No 3820/85, later repealed by Regulation (EC) No 561/2006.

Lastly, another set of EU norms that are part of the labour and social EU acquis is worth noting as well, e.g. Regulation (EC) No 593/2008²⁸ that applies to contractual obligations (Rome I) and Directive 96/71/EC²⁹ on the posting of workers in the framework of the provision of services (also referred to as the “*Posted Workers Directive*”).

Although not directly designed for the road transport sector, their application and enforcement produce significant effects on the overall working and social conditions for this mode given the mobile and international character of road transport operations.

2.2 The 12-day derogation

A central theme in gaining a proper understanding of the application in the road passenger transport sector of the EU regulatory setting on driving times and rest periods is the 12-day derogation for coach or bus drivers deployed on international tours.

This rule was first introduced by Article 6(1) of Council Regulation (EEC) No 3821/85 before being repealed by Regulation (EC) No 561/2006 which removed such a provision. As a result, the 12-day derogation was no longer applicable as from 11 April 2007³⁰ when Regulation (EC) No 561/2006 was brought into force.

As said in the preceding section 2.1, the derogation was, however, reinstated with adoption of Regulation (EC) No 1073/2009 that amended Article 8(6a) of Regulation (EC) No 561/2006. This new derogation, which became applicable as from 4 June 2010, is significantly more restrictive than that applying to coach services prior to March 2006, given that coach or bus drivers on a single international trip are now allowed to work up to 12 consecutive days, provided that:

- The journey must be a single trip and not made up of various and distinct trips and during which at least 24 consecutive hours must be spent in one Member State or in a country other than where the journey started.
- The drivers must balance the extended working period with a longer rest period immediately after the service. The latter may be a combination of two regular periods (i.e. 90 hours) or alternatively one regular weekly rest and one weekly reduced period (not less than 24 hours). In the case where a reduced rest is taken, such reduction must be compensated with an equivalent period of rest taken at the end of the third week following the derogation period.

In addition, as from 1 January 2014 the following requirements also apply:

- All coaches deployed on journeys where the driver is affected by the derogation must be fitted with a digital tachograph.
- Where driving takes place between 22h and 6h, the coach must have more than one driver, or no more than three hours of driving may be done between the breaks.

Conversely, no modifications are made to the daily rests and breaks which must continue to be taken in line with the existing regulations, as per Regulation (EC) No 561/2006.

As part of the broader discussion about the recent review of Council Regulation (EEC) No 3821/1985³¹, in 2012 the European Parliament (EP) put forth a proposal (see Box 2-2) to simplify the procedures for the post-derogation rest periods and allowing drivers to take two standard rest days with the remaining two

28 Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)..

29 Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

30 The 12-day derogation was first introduced by Article 6(1) of Council Regulation (EEC) No 3820/85.

31 Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport.

missed rest days taken within the following 160 hours, instead of the current rules that require drivers to take an extended 4-day rest period immediately following the use of the derogation that includes the lost rest days that would have been taken during the derogation.

Additionally, the EP proposed to allow the passenger transport sector to split the required 45 minutes break into three 15 minute periods instead of splitting the break into 15 and 30 minutes. Further, the EP recommended the application of the rule also to domestic trips, claiming that the impact in terms of road safety is not only related to the international nature of the transport operation.

However, during the legislative process Member States did not accept introducing such modification and, consequently, the provision of Article 8(6a) has remained unvaried.

Box 2-2: EP's proposal for amending the current rule on the 12-day derogation

According to the proposal tabled by the EP (Amendment No. 128), the current provision of Article 8 (6a) would had been modified as follows: *“By way of derogation from paragraph 6, a driver engaged in the carriage of passengers, as defined in 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, may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:*

- (a) the driver takes one regular weekly rest period after the use of the derogation;
- (b) a total weekly rest period of 140 hours is observed within a four-week period.”

Source: European Parliament (2012)³²

2.2.1 External studies on the 12-day derogation

Regarding the issue of the 12-day derogation, two studies carried out respectively on behalf of the EP and the EC are worth noticing as they target insights on the expected impacts produced by the abolition of the derogation in international road passenger transport, namely with regard to the economic, social and safety effects.

The first study (PwC, 2008³³) concluded that there was clear evidence that economic impacts deriving from the abolition of the 12-day derogation are all negative. It was estimated that the increase in costs for operators would had amounted to between 15% and 20% with an equivalent decrease in profit margins, while the increase in costs for drivers (salaries and accommodation) would have represented 73% of the global augmentation of costs. In particular, the study argued that new costs were related to the reorganisation of coach tours and stays, the review of the journey planning and the hiring of new qualified staff.

Impacts on social and working conditions of drivers were found to be uncertain. Although drivers can benefit from a weekly rest similarly to other drivers of buses and coaches, they are forced to spend this rest away from home anyway. In addition, the study commented as well that salaries can be negatively affected.

Finally, safety was the only segment where impacts were assessed as beneficial, mostly because of a decrease in the number of accidents due to fatigue in the international transport of passengers by coach.

32 European Parliament (2012). Legislative resolution of 3 July 2012 on the proposal for a regulation amending Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 (0451-C7-0205/2011-2011/0196(COD)). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0271&language=EN&ring=A7-2012-0195>

33 PwC Advisory Srl Italy (2008). The new regulation on driving and rest times: the impact of the abolition of the 12-day derogation for buses.

However, this sector is already very safe, meaning that such reduction was considered slight without counter-balancing the increase in costs.

Among the recommendations put forward, the study pointed out the need to increase effectiveness in enforcement of the use of the tachograph, enforcement of the rotation of drivers of companies engaged in international trips, enforcement of Directive 2003/59/EC on the initial qualification and periodic training of drivers. Importantly, this study also spoke favourably of the partial reintroduction of the 12-day derogation, a recommendation that was followed up by the EP by voting an own initiative report to reinstate the derogation (see previous Box 2-2).

The work undertaken by the PwC study was later reviewed by a second study (SDG, 2009³⁴), whose main purpose was to undertake a thorough analysis of the European coach industry, including domestic long-distance, international regular services, special regular services and occasional transport.

The main conclusion of this second study was that PwC's research may have significantly overestimated the economic impact of the abolition of the derogation, and also possibly underestimated the social impacts.

In fact, findings from the SDG study suggested that the economic impacts of the withdrawal of the 12-day derogation are over 90% less than estimated by PwC. On road safety, it was not possible to estimate whether the benefit of the withdrawal of the derogation was proportionate to the economic impacts. However, the study was not in disagreement with the general conclusion that the impact on safety is probably relatively small, partly because coach is already a safe mode of transport.

Finally, the social impacts of the withdrawal of the derogation were rated small as well, and it is not clear whether the net effect of these impacts would be positive or negative.

Table 2-3 summarises the main conclusions reached by the two studies described in this section.

Table 2-3: Overview of estimated impacts produced by the withdrawal of the 12-day derogation

STUDY TITLE	TYPE OF IMPACT		
	ECONOMIC	SOCIETAL	SAFETY
The new regulation on driving and rest times: the impact of the abolition of the 12-day derogation for buses <i>PwC Advisory Srl Italy, on behalf of the European Parliament, Policy Department B (2008)</i>	Strong	Uncertain	Small
Study of passenger transport by coach <i>Steer Davies Gleave, on behalf of the European Commission, DG MOVE (2009)</i>	Moderate	Small	Small

2.2.2 EC consultation on the application of the 12-day derogation

Complementary to the analysis undertaken by the two studies by PwC and Steer Davies Gleave, further information was collected and pulled together by the EC as a result of a consultation exercise that took place in July 2012 on the topic of the application of the 12-day derogation.

The main purpose of the consultation was to elicit evidence from Member States on the possible impacts that the abolition of the 12-day derogation would have generated, in order to assess whether it would be considered appropriate to introduce amendments to the 12-day derogation as it is applied in its current form.

34 Steer Davies Gleave (2009): Study of passenger transport by coach. Final report.

A total of 23 Member States replied to the consultation, although only a limited set of quantifiable data was supplied, thus not allowing an extensive statistical analysis. Specifically on the issue of road safety, the majority of Member States and of the operators did not claim any negative impact as a consequence of the application of the 12-day derogation. In contrast, workers stressed the fact that the 12 consecutive daily driving periods can potentially lead to an increase in workload and fatigue which, consequently, can have a negative impact on road safety. Nonetheless, no factual evidence was provided demonstrating a worsening in road accidents due to the derogation.

Globally, the application of the 12-day derogation received a predominance of positive comments with the exception of the drivers' quality of life for which criticism was shared by both operators and drivers. Positive comments were put forth by the industry, which underlined the reduction of costs for tourists, the use of better vehicles for such long international trips, the increased opportunities for undertakings, (including small ones) and the better organisation of drivers' rest periods with the possibility of spending more time at home.

As mentioned above, negative views were expressed by both operators and drivers on the drivers' quality of life. However, whilst workers stressed the negative consequence of greater fatigue due to postponement of the weekly rest, employers pointed out the driver's limited possibility for higher income due to a long mandatory compensation weekly rest after the use of the derogation.

A summary of the main outcomes of the consultation is displayed in Table 2-4.

Table 2-4: Main outcomes of the EC consultation on the 12-day derogation

ITEM	MAIN COMMENT
Data availability and frequency of use of the derogation	Data on the use of the derogation is extensively poor, not least because the current EU legislation does not impose any obligation on national authorities to collect such data. In five Member States (Estonia, Lithuania, Latvia Luxembourg and Sweden) the frequency of use was estimated to be moderate (3 on a scale from 0 to 5). Main reasons provided to explain such limited use of the derogation were the restrictive nature of the provision (international single trip and extended rest period afterwards) and the lack of knowledge of the provision by the operators/drivers.
Impact on road safety	Most of Member States that provided quantified replies on this issue claimed that the 12-day derogation has no negative impact on road safety. Only two Member States (Belgium and Lithuania) indicated a strong negative impact (4 on a scale from 0 to 5) which was, however, not based on accident statistics, but on the supposition that driving continuously for 12 days may have a direct impact on a driver's fatigue, with a consequent negative effect on road safety.
Impact on tourism and environment	This issue received a mixed reception from Member States. While a few Member States (Austria, Belgium, Denmark, the Netherlands, Poland and Spain) saw no effect on tourism and the environment, the other responding Member States underlined a positive effect. Three Member States (Luxembourg, Romania and Sweden) argued a very strong positive effect (4-5 on a scale from 0 to 5) with the justification that the rule allows for lower costs for the passengers, better organisation of the trips and improved quality of the coaches used in such operations. Similarly, four other Member States (Bulgaria, Estonia, Latvia and Slovenia) indicated an important positive effect (3 on a scale from 0 to 5).
Impact on competition	A neutral effect was indicated by the greater part of Member States. Only one Member State (Bulgaria) saw a negative effect in terms of possible distorted competition due the fact that the derogation is only applicable to occasional international operations and not to regular ones, thus creating discrimination between the two segments. Five other Member States (Hungary, Lithuania, Latvia, Luxembourg and Sweden) observed instead a more positive impact as they

ITEM	MAIN COMMENT
	considered the flexibility that the derogation offers in terms of increased opportunities for companies to operate without infringing the rules and even allows small enterprises to benefit equally.
Impact on drivers' quality of life	Negative effects on drivers' wellbeing (chiefly due to accumulated fatigue) were reported by a few Member States (Austria and Belgium), while some Member States (Estonia, Luxembourg and Sweden) positively commented that the provision allows the drivers to take longer uninterrupted rest periods, usually at home with their families.

2.3 Specific features of the passenger road transport sector and current debate on the revision of driving and rest times for this segment

As introduced at the beginning of this chapter, the current rules that govern the area of working, driving and rest times for the commercial road transport sector in the EU have been progressively developed with the purpose of guaranteeing a decent and healthy working environment for professional drivers, while contributing towards an improvement of road safety conditions and safeguarding fair competition between transport operators given that, in the absence of a common set of rules that are evenly and effectively applied, there is a potential risk of distorted competition.

As noted in the preceding Section, the current EU legislative framework governing driving times and rest periods of professional drivers commonly applies to carriage by road in both the freight and passenger sectors. The *rationale* of this normative discipline is that the regulation of commercial vehicle driving and rest times, backed by adequate enforcement controls, is crucial to secure safe operations and avoid situations where tired drivers are more likely to be involved in road accidents caused by feelings of fatigue, stress, sleepiness and mental overload that have adverse consequences for driver performance and road safety as a whole.

Nevertheless, as also previously described, this common normative body has been primarily modelled on the basis of the specificities of the haulage segment, therefore not considering the passenger component as a separate, complex operational and service environment with its own distinctive peculiarities and driving patterns compared to the freight sector. As such, this lack of acknowledgment has led to a normative body of rules that seems to be badly suited, or not providing a sufficient degree of flexibility, to meet the needs of the passenger segment of the road transport sector.

Road passenger transport presents, in fact, not only a distinctive character for the nature of the transport activities (passengers instead of goods, therefore implying a balance between passengers' needs and professionals' social rights and operational duties) but also because professionals in this sector show different and specific needs in terms of driving times and rest times (weekly rest, daily spread over, break flexibility or double manning) in comparison to their freight colleagues. This means that they must take into account travellers' requirements and needs which, therefore, can frequently entail a number of longer and shorter stops. On this, the requirements for rest periods whereby the driver shall take an uninterrupted break of 45 minutes or, alternatively, split the rest period in a break of 15 minutes followed by a second break of 30 minutes, do not take into consideration those demands and requirements that exist among different groups of passengers and, in certain cases, also among bus crews. Finally, passenger transport is characterised by different scales of activity, operating at urban, interurban and occasional (tourist) levels (Table 2-5).

It holds true that a few adaptations have been introduced (for example the 12-day derogation), but these are, in any case, entrenched in a global normative body that still remains substantially the same for both segments.

For these reasons, it is perceived by the industry that the absence of independent rules for the passenger transport sector harmfully impact drivers' working conditions, the costs and profit margins of the undertakings (namely small and medium companies), the industry's competitiveness compared to other sectors of the economy, the quality of the services provided and, not to the least extent, road safety (BDO, 2012).

Table 2-5: Examples of differences between the road haulage and road passenger's working environment

ROAD HAULAGE	BUS SERVICES
Goods are transported "just in time" between Points A and B.	A normal coach journey incorporates a number of places for embarking and disembarking, for stopping and for resting. These types of journeys are normally conducted as touristic, study or other types of group trips. At the beginning and at the end of these trips, the distances covered without stopping are usually longer.
It does not matter when or where the goods are transported. They may remain loaded on a lorry or in a parking area all night or for 24 hours without problem, even though there may only be 10 km left to the destination.	Passengers want fixed times for departure and arrival, and for visits and meals. If there are delays or changes in the route or visits, they require detailed information or compensation. During bad weather, one destination can be replaced by another. Flexibility is extremely important. Passengers have needs that goods can never have (for example toilet visits, rests and requests to take photos).
Goods do not ask when the journey can continue in connection with delays or traffic jams.	Dissatisfied passengers increase the stress level for drivers. Tailbacks and unplanned delays cause problems for the driver while at the same time he/she has to follow the regulations on driving times and rest periods, and try to satisfy the needs of the passengers so that they do not become irritated when the driver is forced to take a 45-minute break 10 km before the coach is due to reach its final destination. All this has a negative effect on the work of the drivers and on their attempts to remain concentrated on what is happening on the road and in the traffic. In these types of situations, regulations that are intended to promote safety in road traffic are instead counter-productive, and increase the pressure and stress on the driver.

Source: SVB (2015)³⁵

A number of areas have been identified where a need to overcome certain rigidity in the provisions of Regulation (EC) No 561/2006 has been advocated. In a first instance, the industry has seen as problematic the abrogation of the **12-day derogation** with the adoption of Regulation (EC) No 561/2006 and only partially reinstated when Regulation (EC) No 1073/2009 was brought into force. The recommendation is that such rule ought also to be applied to national services (and not solely to international journeys) and similarly it ought not to be limited to a single occasional service. Also, the application of the Regulation seems problematic in practice when it deals with weekly rests, given that a regular weekly rest and two regular weekly rests need to be taken respectively before and after the journey. Such long periods of rest oblige operators to turn to temporarily contracted drivers which generates an unnecessary additional financial burden.

35 SVB (2015) Driving Time and Rest Period Project – Status in the Swedish Bus Sector.

Box 2-3: Illustrative example of situations where compliance with the 12-day derogation was found problematic

An operator based in Strasbourg is not entitled to travel a 12-day journey in France with a one-manned vehicle, while this is allowed for an operator based in Kehl (close to the French-German border). Similarly, an operator based in Strasbourg can undertake a 12-day trip in Germany while its German counterpart based in Kehl is not entitled.

Source: BDO (2012)³⁶

Ultimately, according to the IRU (2015) operators have no financial or operational interest in using the derogation with a “single trip” restriction, since their costs would be higher than under the current rules. Only for trips lasting 11 or 12 days does the derogation become interesting for operators (Table 2-6).

Table 2-6: 12-day derogation: estimate of costs based on journey length of single services

Costs vs number of days travelled	6 days (current rules=base scenario)	7-day tour	8-day tour	9-day tour	10-day tour	11-day tour
Driver cost per working day	€ 146	€ 169	€ 160.5	€ 153	€ 148	€ 143.75
Costs for the operator	0%	+15%	+10%	+5%	+1.5%	-1.5%

Source: IRU (2015)³⁷

Concerns have also been raised with respect to the **daily spread-over** which is, to date, set at a maximum of 15 working hours per day. Greater flexibility is crucially advocated to cope more easily with unexpected and unforeseen events (e.g. delays due to weather or traffic conditions or due to tour programmes lasting longer than has been planned), while avoiding situations where drivers are compelled to run faster because of their concerns about exceeding permitted duty hours.

Box 2-4: Illustrative examples where application of Regulation (EC) No 561/2006 hardly fits operational needs of the bus and coach industry with respect to the requirements on daily spread-over

Illustrative example no 1. The bus is caught for hours in extremely long traffic jams when travelling on the Autobahn in Germany. The consequence is that the bus driver is forced to drive for a longer period than his maximum allowable driving time for the day so as to make sure that the passengers arrive on time at the hotel where they are booked in for the night. It is impossible to stop by the side of the road with a bus full of passengers who have no possibility for an overnight stop, so that the driver can take his 9-hour daily rest. The driver gets a fine of SEK 8,000 (approximately € 860) which is reduced to SEK 6,000 (approximately € 642) while the bus company is fined SEK 8,000 (approximately € 860).

Illustrative example no 2. Depart early in the morning with destination Amsterdam. After arriving in Amsterdam there is a bus stop for 6 hours while the group visits a museum, has lunch and visits another museum. Afterwards the group leaves from Amsterdam to go to a restaurant for dinner. Unfortunately this dinner runs late, which causes the coach to be back in the garage too late (after 15.5 hours). Thus a violation of Regulation (EC) No 561/2006 for splitting the previously applicable daily rest period of 8+4 hours.

Source: SVB (2015)³⁸

36 BDO (2012) Eigenständige Sozialvorschriften für den Omnibus.

37 IRU (2015) Manifesto “12 days to save European coach tourism”.

Limitations are further considered with regard to **break** requirements which are viewed as inflexible. The industry supports a higher fractioning by dividing the 45 minutes of the break period into three periods of 15 minutes each, so as to permit more flexibility and a better management of the service with benefits for the customers who would see their waiting times minimised.

Box 2-5: Illustrative examples where application of Regulation (EC) No 561/2006 hardly fits operational needs of the bus and coach industry with respect to the requirements on breaks

Illustrative example no 1. During a bus company's trips between Stockholm and Uddevalla (or Lysekil), a journey that normally takes 6-7 hours by bus, the passengers frequently request the driver to stop shortly after leaving Stockholm in order to buy sweets, etc. This means that there is a 45 minute rest fairly soon after leaving Stockholm with the result that another 45-minute break needs to be taken before the bus reaches its final destination in Uddevalla/Lysekil. The passengers feel that this additional break is unnecessary, and it is a problem for the driver to reach his planned destination in the allotted time. A fine of SEK 2,000 (approximately € 215) for the bus driver and a sanction fee of the same amount for the bus company are applied.

Illustrative example no 2. Sometimes the bus company runs train replacement services between the point of departure in Norrköping, Linköping or Mjölby, and with Borlänge as the final destination. It is often possible to complete these journeys within 4 h and 30 minutes, which is the maximum allowable driving time without a break. But sometimes the coach may be 15-30 minutes late (which means that it does not fall within the allowable driving time) arriving in Borlänge because the coach has to stop in so many different places. Stopping the coach 15-30 minutes before reaching Borlänge so that the driver can take a rest is impossible under such circumstances. There would be too many protests and complaints from the passengers. A fine of SEK 1,000 (approximately € 107) for the bus driver and a sanction fee of the same amount for the bus company are applied.

Illustrative example no 3. A group of tourists make a sightseeing tour by coach in Paris. At the first stop, unlike planned, the group returns after half an hour. Because of rain, on the 2nd stop the group already returns after 15 minutes and the bus departs to continue the tour. According to Regulation (EC) No 561/2006 this is not allowed. The right order of the two resting periods should be: first 15 minutes and then 30 minutes.

Source: SVB (2015)³⁹ and KNV (2014)⁴⁰

The rigidity of Regulation (EC) No 561/2009 can also be observed in relation to the requirements on **weekly rest periods**, which are considered too long both before and after the journey is made. Arguments for a revision of the current normative setting on weekly rest periods are in particular put forward by the transport undertakings operating tourist coach services which are characterised by seasonality. Flexibility is then required to meet peaks. Flexibility would allow companies to provide adequate services while avoiding unnecessary interruption. Furthermore, it would allow companies to take into account the sector's seasonal activity peaks and to give more rest during the other periods.

38 See *supra* note 38.

39 See *supra* note 38.

40 KNV (2014) Information provided by email.

Box 2-6: Illustrative examples where application of Regulation (EC) No 561/2006 hardly fits operational needs of the bus and coach industry with respect to the requirements on weekly rest

Illustrative example no 1. The bus company operates a skiing holiday with journeys every day to and from the lift facilities, etc. The seventh day should be the week's rest period for the driver, but the group wants him to give them a 10-minute lift on the 7th day. It would have been difficult for the driver to say no to the group, but is an infringement of the regulations. A fine of SEK 3,000 (approximately € 320) for the bus driver and a sanction fee of SEK 4,000 (approximately € 430) for the bus company are applied.

Illustrative example no 2. A coach departs from Amsterdam (Schiphol airport) for a 6-day trip that ends in Rome (at the airport). In connection a coach with a second group of passengers from the same tour-operator departs from Rome (airport) for a 6-day trip that ends in Amsterdam (Schiphol). According to Regulation 561, the coach cannot be driven by the same coach driver because it states that a 12-day trip is only allowed as long as it is one and the same group. After the trip a driver must rest 45 + 24 hours (= 69 hours). During these two trips there was a lot of time off for the driver so he rested more than enough. Furthermore it is unwanted for both driver and company that a driver should wait for such a long time, either at home or abroad, before he can start his next trip. Both driver and company have to earn their money during the high season in tourism.

Source: SVB (2015)⁴¹

Finally, a greater degree of flexibility is also claimed for **double-manning**. With double-manning the simultaneous presence of two drivers is compulsory for the entire duration of the journey, with the only exception of the first hour of the trip where the presence of the second driver is optional. Namely, the regular daily rest period (9 hours) must be taken simultaneously but criticism has been put forth by the industry as this would not allow an optimal management of the drivers and scheduling of their activities.

Box 2-7: Illustrative example where application of Regulation (EC) No 561/2006 hardly fits operational needs of the bus and coach industry with respect to the requirements on double-manning

Illustrative example no 1. A group leaves from Amsterdam to travel to Barcelona. The company has to deploy two drivers for this trip. One of the two drivers lives in the south of the Netherlands near the Belgian border. She gets on the bus four hours later than the first driver at the changeover near the border. Ideally both drivers drive a total of nine hours, but this is not allowed for the 2nd driver because the length of service is calculated from the departure of the first driver. After a week in Barcelona with hardly any work for the drivers the same problem applies for the return journey.

Source: KNV (2014)⁴²

41 See *supra* note 38.

42 See *supra* note 43.

3 Study objectives and methodology

3.1 Summary of assignment aims

The aim of the study was to analyse issues that have arisen in the implementation of the EU legislative framework governing driving times and rest periods with respect to their application to the passenger segment (bus and coach services) of the commercial road transport sector.

In view of the requirements laid down in the study’s specifications, this research had a series of priorities that are summarised as follows:

- Provide credible evidence, covering the safety, social, economic, customer-related fields, to possibly support the industry’s claim that the current EU driving and rest time rules, as provided in Regulation (EC) No 561/2006, are not optimal for bus and coach drivers in the EU.
- Identify specific needs of bus and coach drivers in terms of driving and rest time rules.
- Propose concrete modifications for potentially optimal specific driving and rest time rules for bus and coach drivers that meet the specificity of their working environment.
- Provide robust argumentation (safety, social, economic, customer-related) for such modifications.

This high level structure is shown in Figure 3-1.

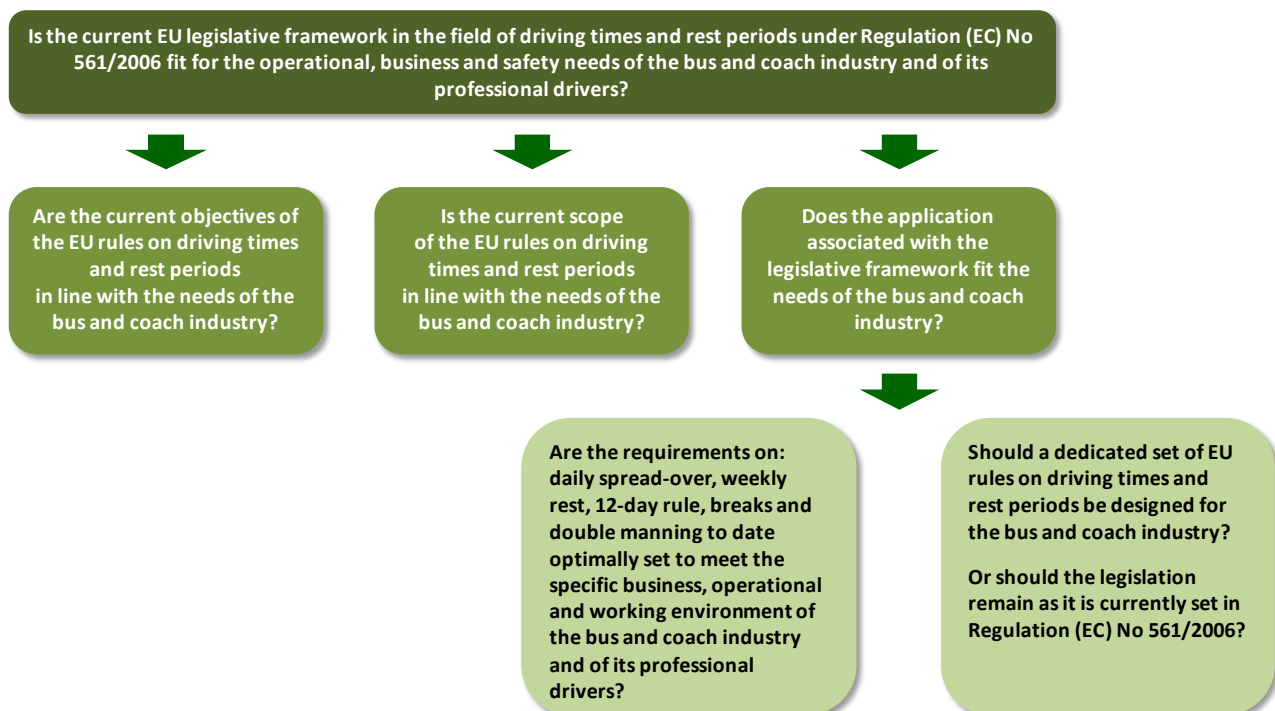


Figure 3-1: High-level structure of the evaluation

3.2 Methodological approach

The research involved:

- A **phase of desk research** (Task 1 of the study) that provided: (i) a definition of the overarching EU legislative framework that governs driving times and rest periods, (ii) an outline of the current implications of such normative setting for the passenger segment of the commercial road transport sector and (iii) a detailed schedule of issues to be explored;

- A **consultative exercise** (Task 2 of the study) engaged with passenger transport undertakings and professional drivers operating in the sector. This has facilitated the gathering of additional data and evidence to support the analysis;
- The **formulation of conclusions** (Task 3) to the principal study questions to address the problems that were identified.

The present report combines the results of all tasks of the study. The overall project workflow is displayed in Figure 3-2.

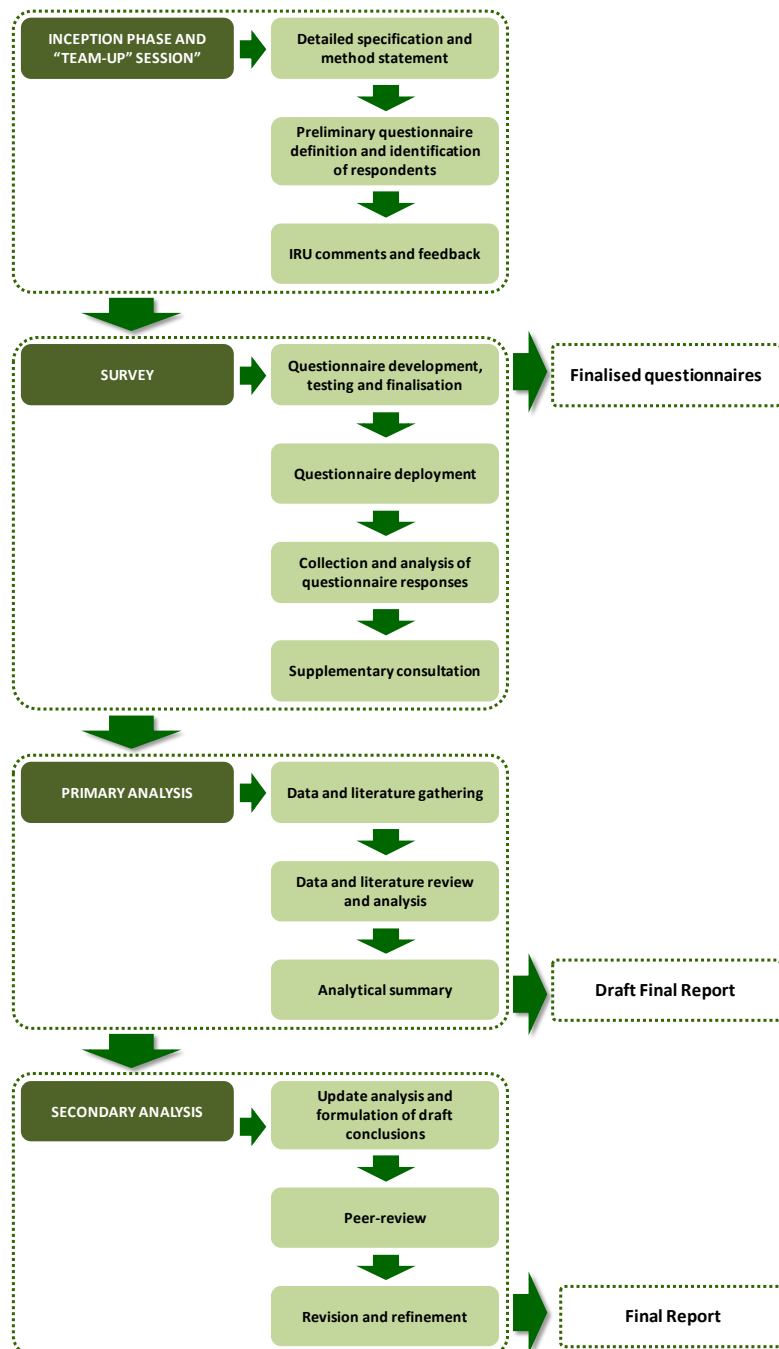


Figure 3-2: Outline of the study process

3.3 Information gathering mechanisms

3.3.1 Desk research and literature review

The analysis was first based on a continuing desk research that collected and pulled together information on developments in the area of commercial road passenger transport services along with information on relevant practices across the different EU countries.

Among the documentation reviewed were key EU legal and policy texts, as well as guidance documents and reports made available by national organisations representing road passenger transport companies in the Member States that were targeted by this research.

Globally, the various documents put under review yielded distinctly different but complementary perspectives on the central issues of the evaluation.

3.3.2 Survey

The investigation undertaken by this study also significantly relied upon data and information that were collected in the course of the study through two different, but interlinked, consultation exercises that targeted passenger transport undertakings and professional drivers in this sector.

An online questionnaire-based survey was widely disseminated with the principal purpose of gathering evidence and practical experiences from companies and drivers operating in the EU commercial road passenger transport segment (scheduled services longer than 50 km, tourist services or any of their sub-sectors, falling under the scope of Regulation (EC) No 561/2006).

Together with all the evidence collected with the desk research activity, the responses gleaned from this consultation process supplied a comprehensive understanding of the major shortcomings and key challenges about the current state of application in the road passenger market of the driving times and rest periods regulations in force in the EU. Also they guided the assessment on whether the current EU rules fit the specific operational, service and other specific features of the bus and coach industry.

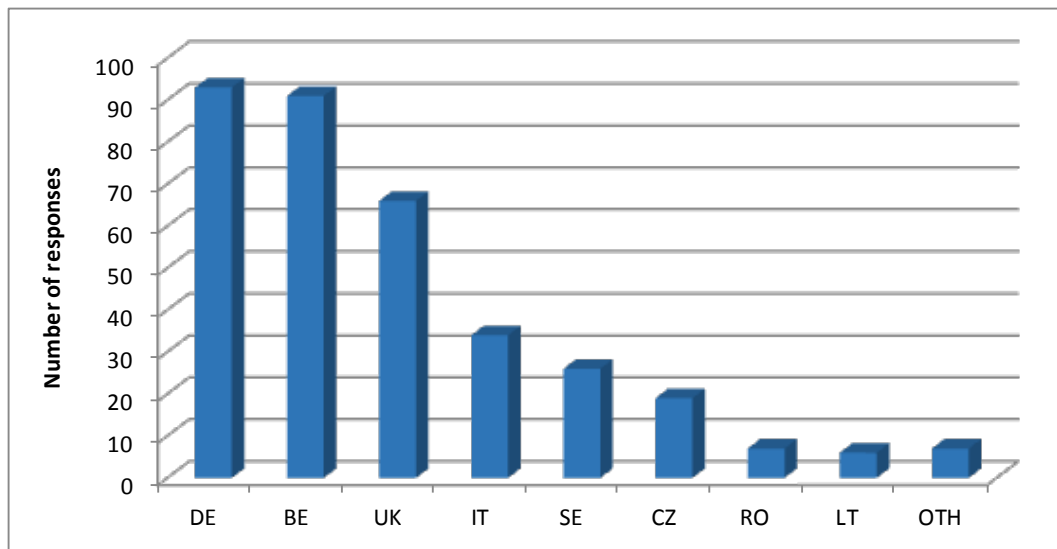
The survey was announced on March 2014 and conducted on a continuous basis between April and September 2014. Following up the outcomes of the IRU Passenger Transport Council (CPT) meeting held in Geneva last 6 November 2014, an extension of the survey was agreed until 31 January 2015.

IRU national associations in the eight EU Member States covered by the research (Belgium, Czech Republic, Germany, Italy, Lithuania, Romania, Sweden and United Kingdom) were contacted to ensure that a large number of companies and drivers were involved.

Questionnaires were prepared in English and translated into eight other official EU languages (Czech, Dutch, French, German, Italian, Lithuanian, Romanian and Swedish), so as to facilitate the consultation process with the respondents.

Globally, the survey featured a total of 349 responses from **transport operators** and a total of 441 replies from the **drivers**. These also include a total of 7 and 9 spontaneously answered questionnaires supplied respectively by transport undertakings and drivers that were not nationals of the Member States targeted by the survey.

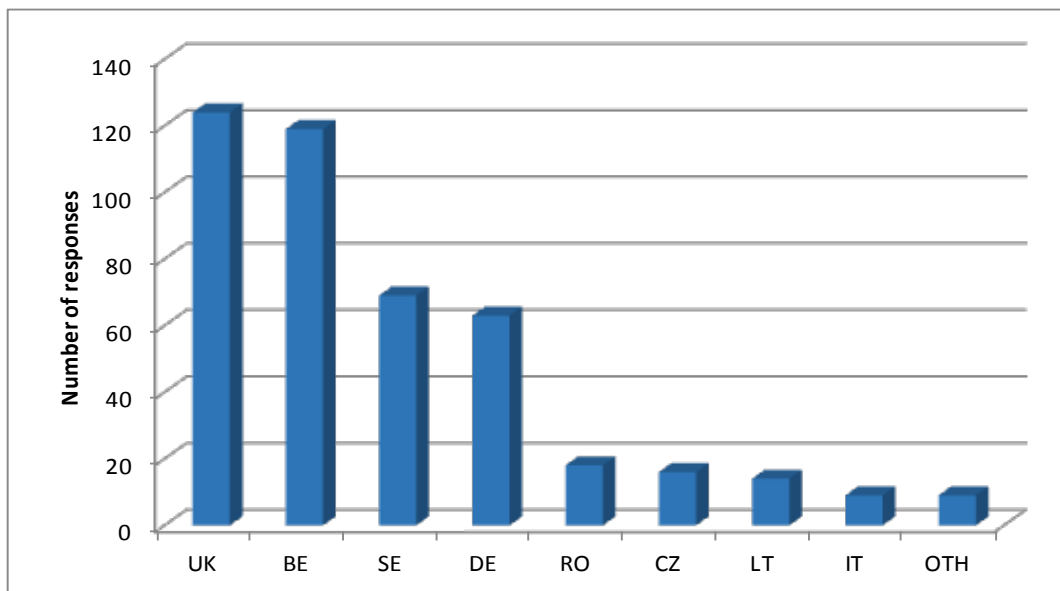
Overall, as illustrated in Figure 3-3 below, **Germany** recorded the highest proportion of answers provided by companies (27% of the total number of responses provided), followed by Belgium and the United Kingdom with respectively 26% and 19% of the total responses collected from road passenger transport undertakings. Among the EU13 countries, the **Czech Republic** is the country of origin for which the largest share of answers from companies was provided (59%; 6% of the aggregated number of replies accumulated).



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 3-3: Study survey responses by passenger transport operators

Looking at the professional drivers (Figure 3-4), results show that answers from the **United Kingdom** outstripped all other EU countries by measuring a share equalling 28% of all responses collected for this target group. Belgium followed closely with 27% of the total number of replies collected, while among the EU13 countries, **Romania** (4% of the total number of answers provided) is the country of origin for which the largest share (38%) of Eastern European drivers' responses were collected.



Proportions calculated on the basis of a sample of N= 441 responses for drivers

Figure 3-4: Study survey responses by drivers

Concerning the methodological approach that guided the survey, it is also worth saying that the sample size achieved by the survey allows for drawing indications from the responses that are representative of the population of companies and drivers in the EU countries involved in the fieldwork.

The responses provided information on the view of companies and drivers about EU legislation in the sector. This view is expressed in terms of level of agreement with certain statements and in terms of preferences among alternative statements. Therefore, in statistical terms, the main goal of the survey was

to estimate frequencies, e.g. the share of companies agreeing that the current provisions on weekly rest are suitable.

When the objective of a sample survey is to estimate a frequency the quality of the estimations does not depend on the dimension of the population. For instance, when the target is to estimate the share of companies agreeing that the current provisions on weekly rest is suitable, a given sample size will provide a confidence interval around the value estimated from the responses which is independent from the total number of companies. Of course, the same applies to drivers.

The survey featured 349 responses from companies. The confidence interval of estimates for this sample size is nearly $\pm 5\%$ in 95% of the cases. For instance, if from the survey results 70% of companies agree with a certain statement, the true value in the population will be in the interval 65% - 75% in 95% of the cases.

The 441 responses obtained from the drivers are associated with an even smaller confidence interval, nearly $\pm 4.5\%$ in 95% of the cases.

These confidence intervals are small enough to draw robust conclusions from the responses collected. As far as the sample size is concerned the outcome of the survey can be considered representative of the view of companies and drivers in the EU or at least in the EU countries covered by the survey.

4 Evaluation findings

4.1 Introduction

The objective of this Chapter is to present the analysis of the information collected in relation to the adequacy of the application to the road passenger transport sector of the current EU legislation governing driving times and rest periods.

As cited in the preceding Section 3.3.2, the evidence that is to be illustrated relies to a large extent on information provided by road passenger transport companies and drivers in response to a survey covering the following eight Member States: Belgium, Czech Republic, Germany, Italy, Lithuania, Romania, Sweden and United Kingdom. Feedback from these two groups of respondents contributed to a thorough understanding of trends in the application of the EU social legislation on driving times and rest periods in the passenger segment of the commercial road transport sector.

Also important, along with the global evaluation of the application of the EU rules on driving times and rest periods in the road passenger sector, passenger transport undertakings and drivers were equally asked to formulate opinions about two possible options for respectively keeping the requirements on the issues of: daily spread-over, weekly rest, 12-day derogation, breaks and double manning, as they are set today in Regulation (EC) No 561/2006 (termed as “Option A”), or valuing the opportunity to introduce a different discipline (termed as “Option B”) (Table 4-1).

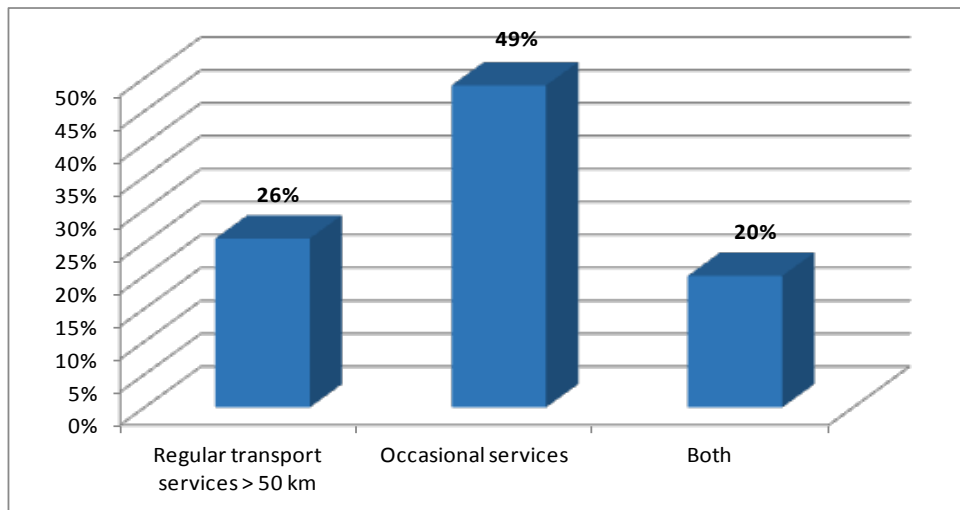
Table 4-1: Comparison between options to optimise driving times and rest periods in the bus and coach industry

ITEM	OPTION A	OPTION B
Daily spread-over	Keeping the requirements as they are currently laid down in Regulation (EC) No 561/2006 (all items)	Changing the current requirements on daily rest and daily spread-over (i.e. to be able to increase the daily spread-over to 16 hours, as under the previous rules set in Regulation 3820/85/EEC).
Weekly rest		45 hours (regular weekly rest) and the difference with the effectively taken weekly rest of at least 24 hours is taken in compensation during a 13-week reference period if not taken during the same week.
12-day derogation		Changing the current requirements on the 12-day derogation by restoring the requirements laid down in the previous Regulation 3820/85/EEC (no single trip limitation and no extra weekly rest required) but extended to national occasional passenger transport and international services at EU level.
Breaks		Changing the current requirements on breaks by introducing the possibility for drivers to take at least 45 minutes’ break for every 4.5 hours of driving. This break can be taken as a whole or in 3 periods of at least 15 minutes each.
Double manning		Changing the current requirements on double manning by introducing the possibility that a double-manned vehicle can be single-manned for at least the first and (preferably) the last 4.5-hour driving period of the journey.

4.2 Profiling the respondents

As mentioned in Chapter 3, a total of 349 and 441 responses were respectively collected from road passenger transport operators and drivers. In this introductory section of Chapter 4, a profile of both groups of respondents is given.

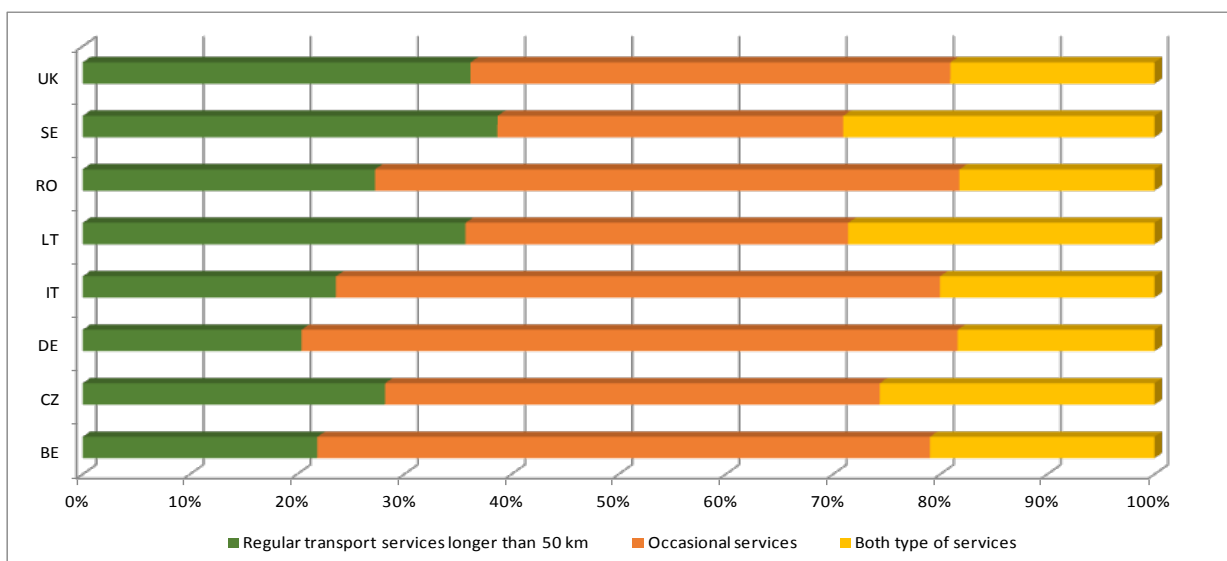
According to the data reported by transport **companies**, summarised in Figure 4-1, occasional services represent the type of business activity where undertakings declared to be the most active with 49% of all responses provided. Regular transport services longer than 50 km account for 26% of the total replies, while 20% of all companies declared to be engaged in both types of business activities.



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-1: Distribution of passenger transport operators by type of business activity

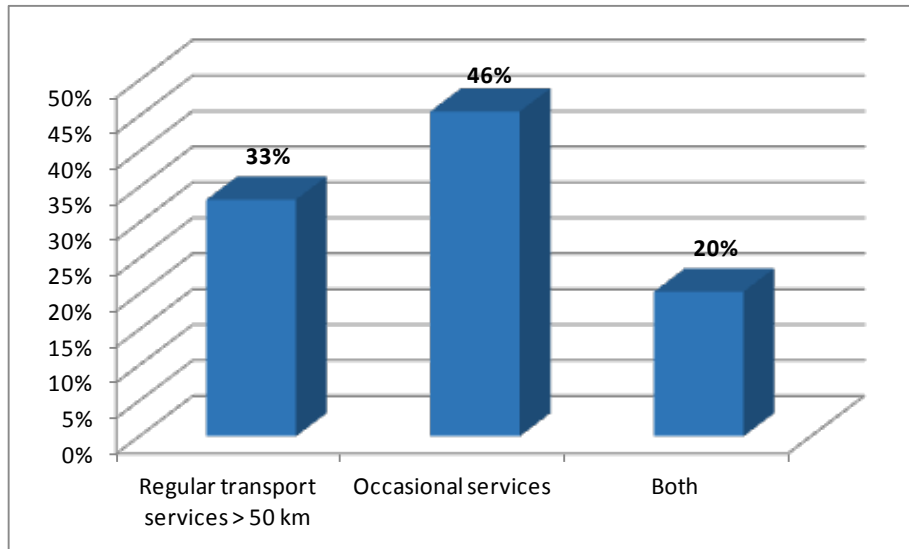
It is worth noticing that in three countries (Lithuania, Sweden and United Kingdom) a balance between the different types of business activities was found, while Germany, Italy and Belgium reported the highest proportions of occasional services with respectively 61%, 55% and 44% of the responses brought together for these three Member States (Figure 4-2).



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-2: Distribution of type of business activity by EU country (transport operators)

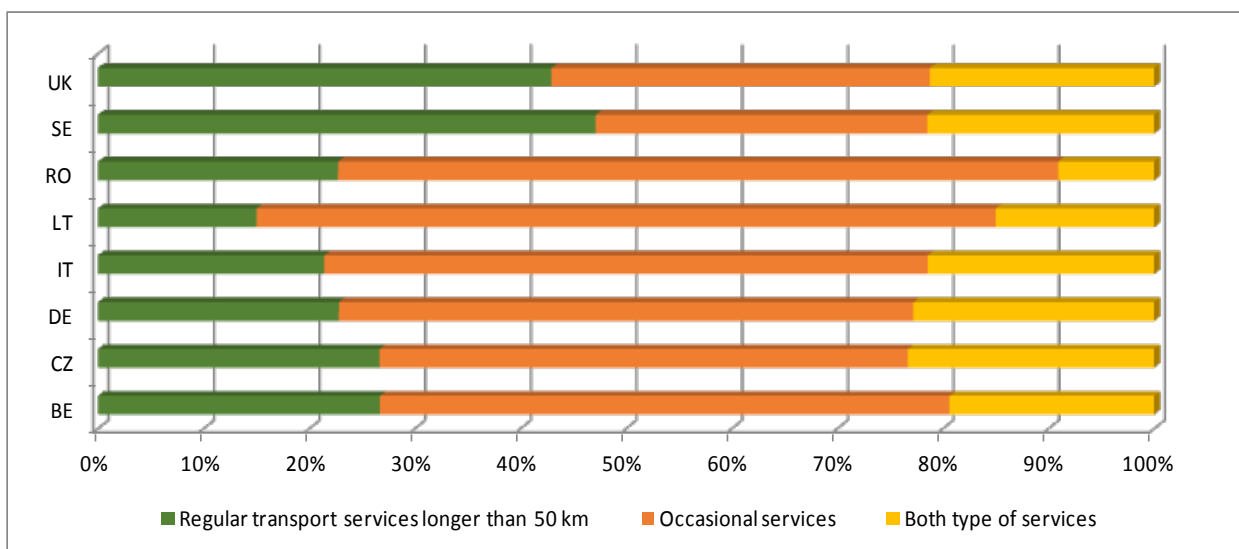
A similar distribution (Figure 4-3) was provided by **drivers** who declared being mostly engaged in providing occasional transport services with 46% of all responses elicited. In contrast, the proportion of regular transport services longer than 50 km totals 33% of all replies, while also in the case of drivers 20% of them declared to be engaged in both types of business activities.



Proportions calculated on the basis of a sample of N= 441 responses for drivers

Figure 4-3: Distribution of drivers by type of business activity

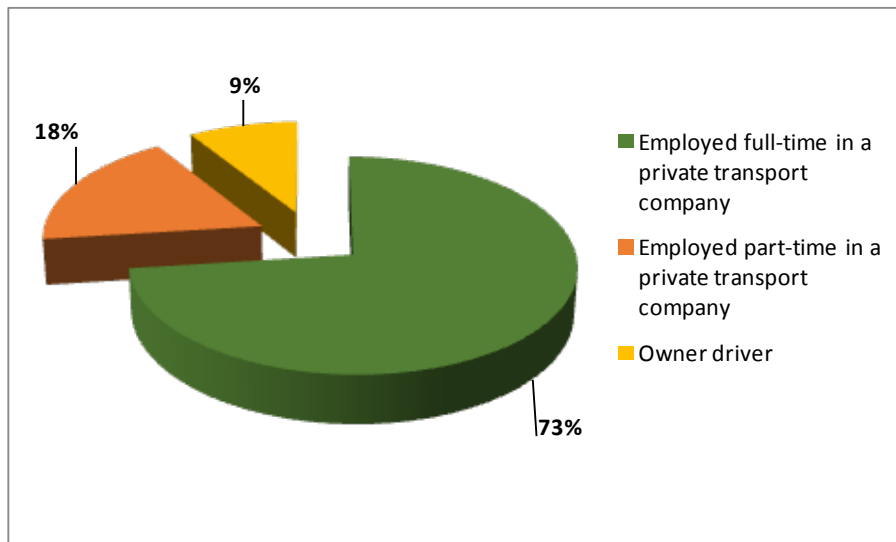
Remarkably, as displayed in Figure 4-4, drivers engaged in occasional services are particularly predominant in Lithuania (70%), Romania (68%), Germany (54%) and Belgium (53%). Conversely, Sweden and the United Kingdom are the Member States where the largest proportion of drivers engaged in regular passenger transport services longer than 50 km was reported with respectively 47% and 42% of the total number of responses acquired.



Proportions calculated on the basis of a sample of N= 441 responses for drivers

Figure 4-4: Distribution of type of business activity by EU country (drivers)

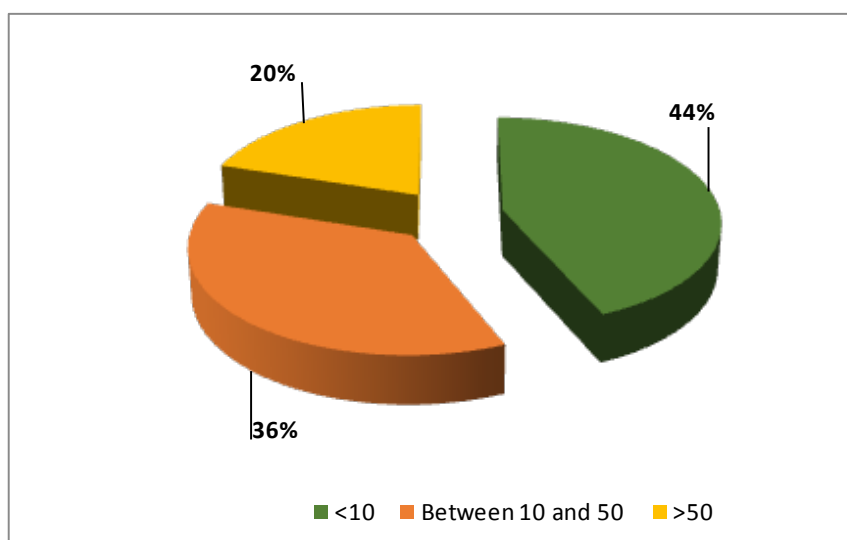
As indicated in Figure 4-5, it is also interesting to note that 73% of drivers answered as being employed full-time in a private transport company, whilst only 9% of them declared being an owner driver. Male drivers represented the overwhelming majority (97%) of the respondents, while the overall average age was measured at 49 years.



Proportions calculated on the basis of a sample of N= 441 responses for drivers

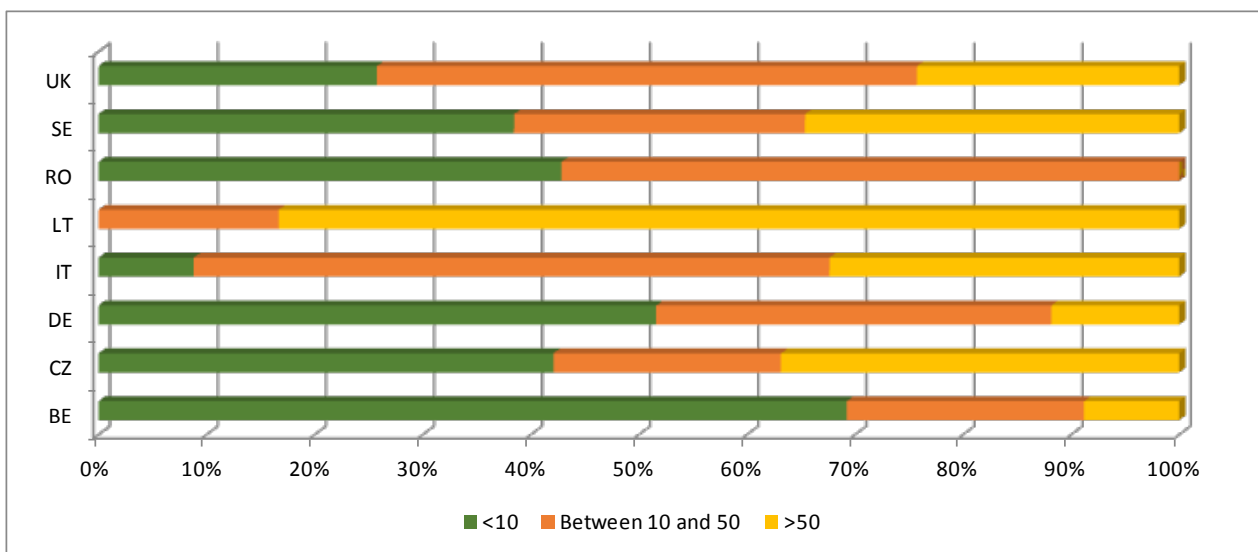
Figure 4-5: Distribution of drivers by employment status

When asked about the number of passenger vehicles that are operated (Figure 4-6), the majority of road passenger transport **companies** (44%) declared their fleets consisting of less than ten vehicles, with levels (Figure 4-7) reaching 69% in the case of Belgium. Conversely, fleets with a range of vehicles between ten and 50 seemed to be predominant in Italy (68%) and in the United Kingdom (50%), while only for Lithuania were companies with more than 50 vehicles found to prevail according to the data collected (Figure 4-7).



Proportions calculated on the basis of a sample of N= 441 responses for transport operators

Figure 4-6: Average size of passenger vehicle fleet

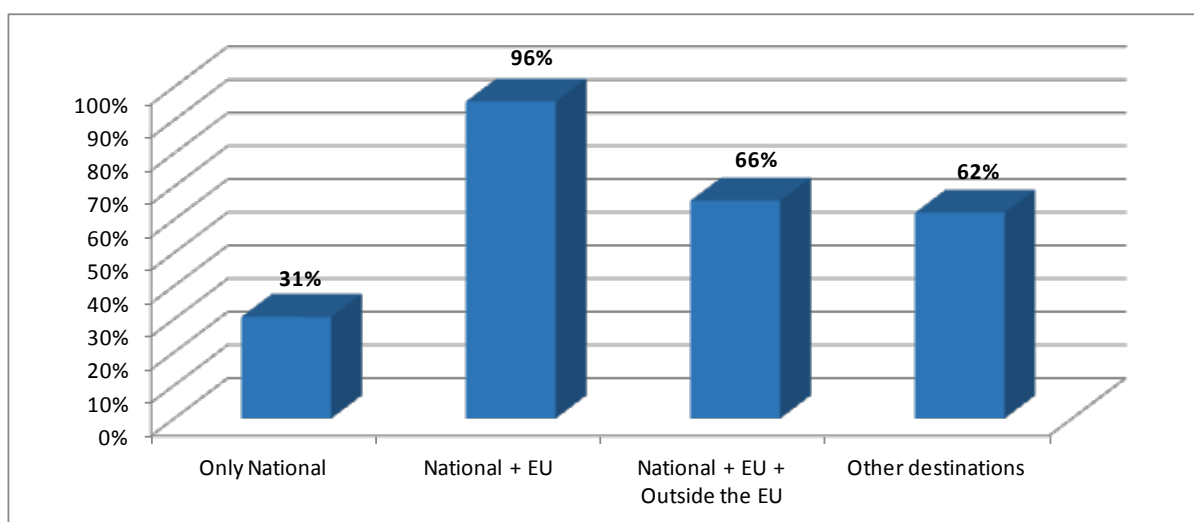


Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-7: Size of passenger vehicle fleet by country and by number of vehicles (transport operators, number of responses)

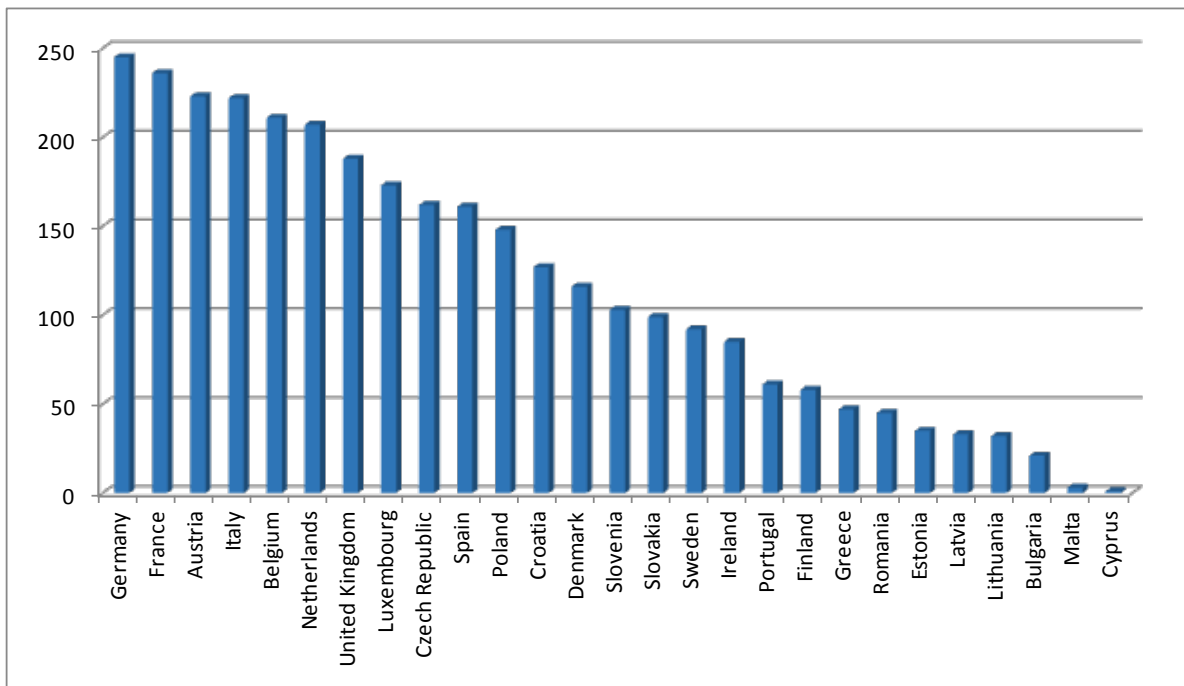
As for the geographical scope of the services offered (Figure 4-8), 31% of all **companies** consulted responded that they only operate passenger transport services within the national boundaries of the Member State in which they are established. Compared to this group, the proportion of companies operating services at national level as well as in one or more other EU Member States accounts for 96% of all responses collected. As seen in Figure 4-9 overleaf, Germany is the most served country followed by France and Austria.

Lastly, it is also of interest to point out that 66% of the responding passenger transport undertakings also declared that they operate services not only at national and EU levels, but also outside the boundaries of the EU. In this respect, Switzerland, Russia and Norway ranked as the three most travelled destinations.



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-8: Geographical scope of the services operated by the transport operators consulted



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-9: Most served EU destinations other than the country of establishment (transport operators)

4.3 General evaluation of EU legislation applied to the passenger transport sector

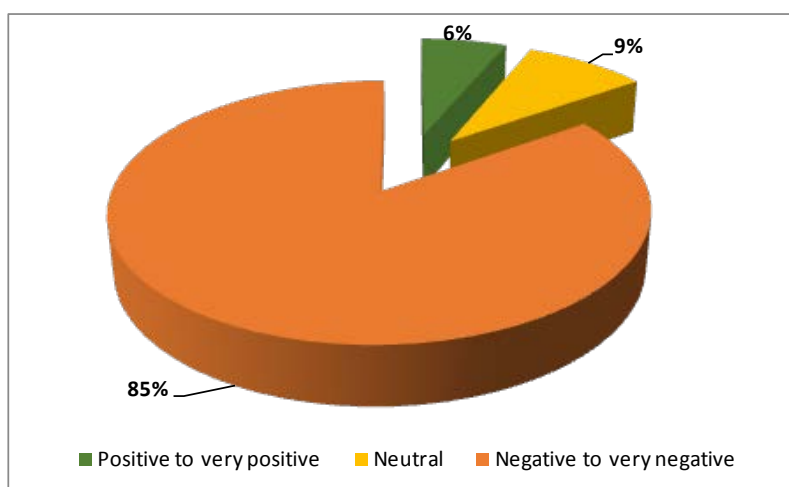
KEY FINDINGS

- Undertakings largely express criticism against the current application of the driving times and rest rules in the passenger transport sector. They consider that the current normative setting has adversely impacted their business activity, in particular as far as quality of the services provided to the customers and business organisation are concerned. According to almost all companies this has resulted in an increase in their operational costs.
- Drivers believe that Regulation (EC) No 561/2006 has brought important improvements to road safety and to their working conditions compared to previous Regulation (EEC) 3820/85. However, they consider that these improvements are not sufficient compared to potential modifications which they agree would further ameliorate both road safety and their working conditions. In addition, they share a common view with the operators when the impact on quality of services and business organisation are observed. Like companies, drivers also comment that such impact can be considered as negative.

Companies and drivers were first asked to provide an overall evaluation of the current EU regulatory setting on driving times and rest periods as applied in the road passenger sector, in particular in relation to the issues of road safety (reduced risk of road accidents, reduced driver fatigue and improved health), social and working conditions (work-life balance, work patterns and rest), business organisation (operation, business and efficiency) and quality of the transport services provided to customers (quality and attractiveness of services).

4.3.1 Specific considerations on the feedback provided by passenger transport undertakings

A large number of passenger transport **companies** (85% of the total) argue that the current EU regulatory framework on driving times and rest periods has adversely affected their business activity (Figure 4-10). With the only exception of Romania, where answers to the “Positive to very positive” heading were a slight majority (34% compared to 33% for answers to the “Negative to very negative” question heading), replies to the “Negative to very negative” question heading were found to be higher than 65% in all Member States targeted by the survey, with the highest percentages being reported for Italy and Germany with respectively 94% and 90% of the total number of responses collected for these two countries.



Proportions calculated on the basis of a sample of N= 341 responses for transport operators

Figure 4-10: Transport operators’ assessment of the impacts of EU legislation on driving times and rest periods on their business activity

An overview of the comments provided by the operators allows to observe that the most frequent statement made is related to the fact that the passenger transport sector has completely distinct needs in comparison with those of the freight sector.

Box 4-1: Selection of translated illustrative comments provided by transport operators relating to the general evaluation of the EU legislation applied to the passenger transport sector⁴³

"We transport people, whose requirements are not the same as for freight. We need rest areas with toilets, food and other amenities. There is a greater demand to meet travel times, and sometimes timetables simply have to be followed if we are to reach ferries in time" (A transport operator from Sweden)

"It is important to have common rules from the point of view of competition. But it is also important that the rules are not so strange that our passengers get tired of taking the bus and take their car instead". (A transport operator from Sweden)

"It is possible to schedule the route on regular services. However it is not so easy on non-regular services, therefore it would be reasonable to extend the number of exceptions in working hours". (A transport operator from Lithuania)

"Passenger transport is specific, it must meet demands of clients". (A transport operator from Lithuania)

"In goods transport driving time is the most important item. For us it is duty time and a great flexibility which we don't have for the moment". (A transport operator from Belgium)

"We are in a sector with high and low season. There are periods where there is less work and we then have to foresee a second driver for a tour with a driving time of 5 or 6 hours". (A transport operator from Belgium)

"We never reach the available driving time as we are permanently standing still". (A transport operator from Belgium)

"We would welcome the flexibility of the new options above. If we have more flexibility we would be happy for the (overall) weekly rest time periods to be extended so that drivers can make better use of their free time, and employers better use of their working time". (A transport operator from the United Kingdom)

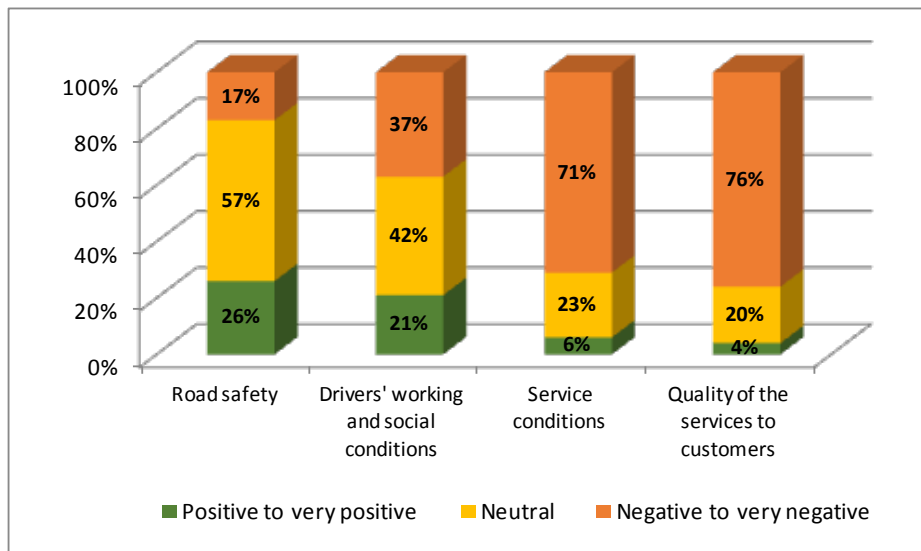
"Flexibility is needed in case of tourist services where customers have to be transferred to various locations and involves providing a rapid response to customers' needs and requests which often cannot be efficiently planned in advance". (A transport operator from Romania)

"High seasonality, trips of different length, not limited to weekdays, passengers have high standards for transport (breaks; route planning; planning of stopovers, stays, residence". (A transport operator from Germany)

Problems are mainly identified in the lack of flexibility of the current rules, the level of stress induced by the current driving and rest times (which often are not understood by passengers), the disproportionate relation between driving time and daily working time, where the former is hardly ever achieved, while the latter is frequently exceeded. Compared to road haulage, in passenger transport the driving time is on average shorter but duty periods are considerably longer. Equally, passenger transport is characterised by high seasonality in the services provided, as well as journeys of different lengths and not limited to weekdays but, on the contrary, often undertaken during weekends.

43 An extended selection of relevant translated comments submitted by transport operators on this issue can be found in Annex B.1.

That being said, the perspective offered by **undertakings** can be further observed under two distinct angles. As illustrated in Figure 4-11 below, with a proportion of 26% of all replies elicited, respondents affirm that the EU regulatory framework on driving times and rest periods in its current shape has certainly contributed to improving road safety conditions compared to Regulation (EEC) No 3820/85, while the majority of them (57%) only expresses a mild opinion in this regard. A negative perspective is conversely given by 17% of the companies that reply that such objective was not achieved.

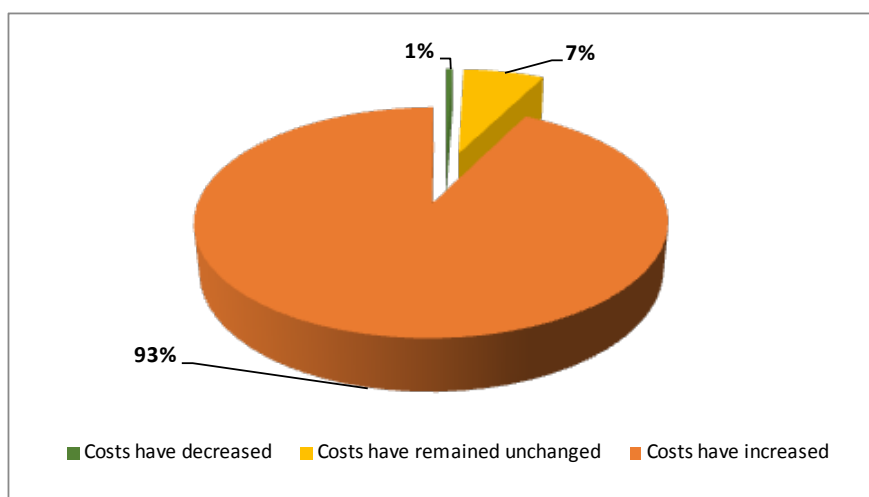


Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-11: Specific impact of the driving times and rest periods rules in the road passenger transport sector: views from the transport operators

As Figure 4-11 above also shows, the objective of improving working conditions receives more mixed views. 42% of the responding companies indicate that such objective was only partially achieved. Notably, negative views closely rank second with 37% of the total replies, while in only 21% of the responses is the standpoint of the companies found favourable. By contrast, Figure 4-11 distinctly shows that business conditions and quality of customer services are the two areas where the highest percentages of negative answers are measured. Under these two question headings respectively 71% and 76% of the companies state that the EU laws have brought no improvement. Only minor percentages (respectively 6% and 4%) of companies report instead a positive stance.

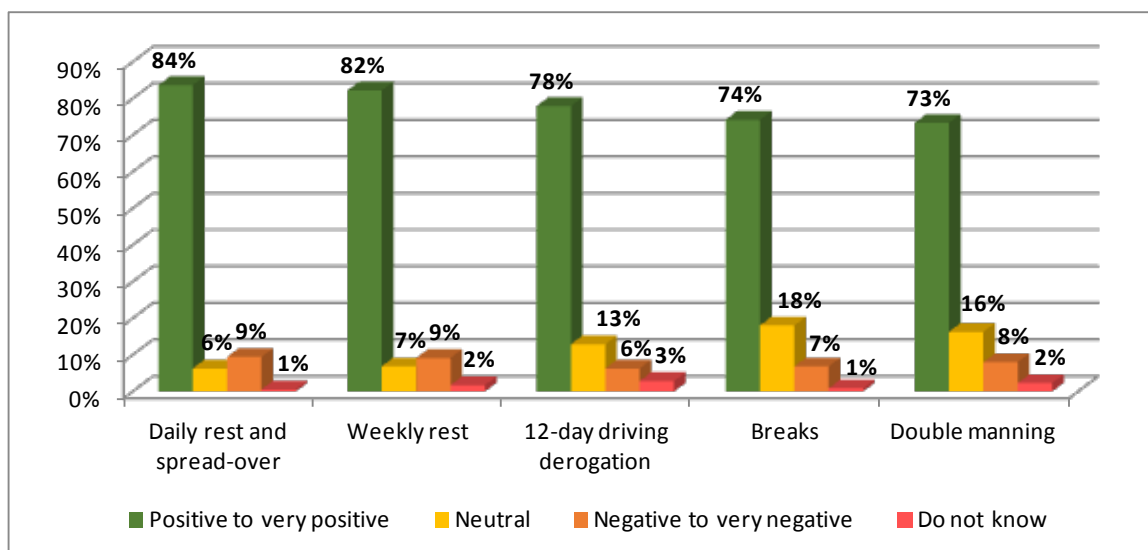
Linked to these two latter issues is also the impact produced by the EU social norms on the trend in costs borne by the passenger transport undertakings since the legislation has entered into force. On this matter, as can be noticed in Figure 4-12, companies massively reported (93%) an increase in costs to comply with the requirements set by the legislation. Only a very small group of companies argue that costs remained unchanged (7%) or decreased (1%).



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-12: Transport operators’ assessment of the impacts of EU legislation on driving times and rest periods on costs

Given the reflections made above, wide support from road passenger transport companies is found in favour of introducing more flexible rules adapted to the industry’s needs, as outlined in Figure 4-13 below. Consistently, this support is widespread across all eight Member States targeted by the survey.



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-13: Transport operators’ assessment of the impacts of a revised EU legislation on driving times and rest periods applicable to the road passenger sector

4.3.2 Specific considerations on the feedback provided by professional drivers

Along with the views of transport undertakings, the standpoint of professional drivers was also collected on the subject of their degree of satisfaction with the current driving times and rest periods. As summarised in Figure 4-14 on the next page below, most of the drivers have a “Positive to very positive” opinion as far as the improvements induced by the current EU social regulatory framework on road safety and working conditions are concerned, if compared to the setting ruled by previous Regulation (EEC) 3820/85.

Box 4-2: Selection of translated illustrative comments provided by drivers relating to the general evaluation of the EU legislation applied to the passenger transport sector⁴⁴

"We are driving persons with special wishes and demands, and we have to give them good service". (A driver from Sweden)

"I experience driving times and rest periods as being more important than keeping to speed limits! I become very stressed knowing that I can be given such high fines for the slightest mistake. In Sweden the fines are too high! It is no longer fun being a bus driver - I'm stressed out of my mind all the time about not making mistakes in connection with "driving times and rest periods"!". (A driver from Sweden)

"Goods transport is totally different from passenger transport". (A driver from the Czech Republic)

"Missing an option to finish the journey for one hour's driving over the limit". (A driver from the Czech Republic)

"Negative working conditions, why declare free time? It is absurd. Safety: I do not want to rest 100 km from home, I need to get home". (A driver from the Czech Republic)

"Truck drivers actually drive for a living, much of our time is spent as free time at destination therefore we do not need the same rest periods as truck drivers". (A driver from the United Kingdom)

"In the case of both international regular and occasional services operated in double-manned vehicles, weekly rest should be of 24 hours instead of 45 hours. Flexibility would be required to adapt the provisions of Regulation (EC) No 561/2006 to actual operational and working conditions". (A driver from Romania)

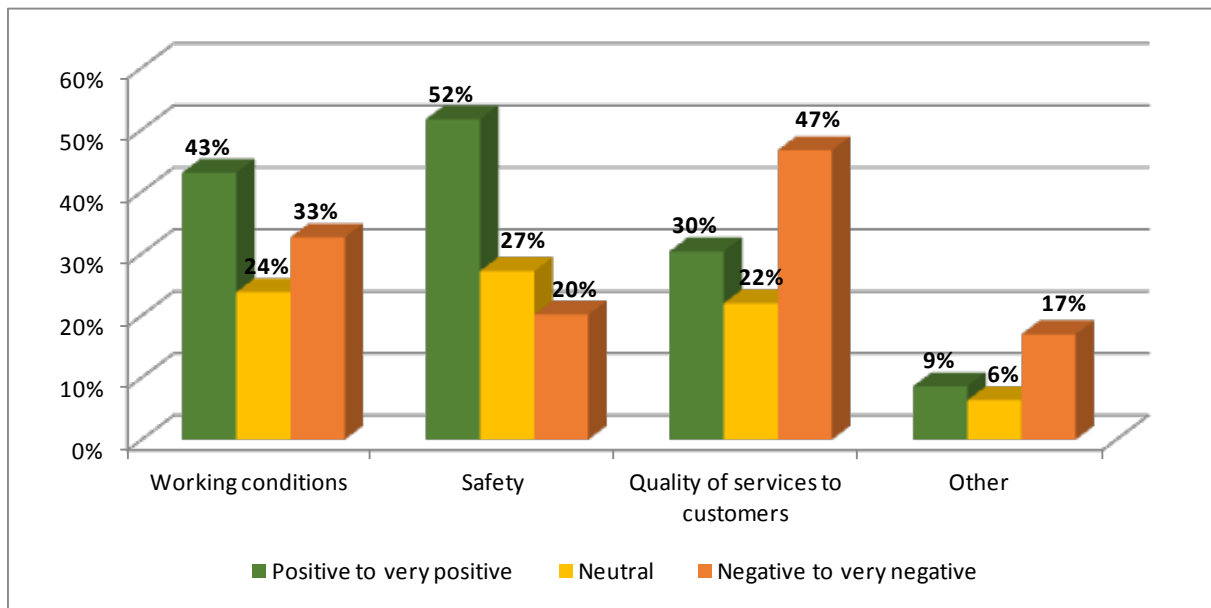
"Uniform application of Regulation (EC) No 561/2006 across all Member States should be secured. This would avoid situations occurring in some countries where spending weekly rest periods on board of the vehicle's cab is not allowed, even though the vehicle has sleeping facilities". (A driver from Romania)

"Compliance with the law on working hours is often harder to achieve than accordance with driving time rules". (A driver from Germany)"Bus/ coach drivers have to deal with waiting time on the spot. Truck drivers usually drive all day long". (A driver from Germany)

In fact, respectively 52% and 43% of drivers comment that in their view their working environment and road safety have improved after Regulation (EC) No 561/2006 was brought into force. Conversely, 20% and 33% of the drivers consulted claim a negative impact, whilst in 27% and 24% of the replies the opinion of the drivers remain neutral with respect to this subject.

It is instead on the issue of the quality of the services offered to the customers that the majority of the drivers (47%) recognise a negative impact as a result of the application of the EU legislation on driving times and rest periods in this area, therefore aligning their perspective on that offered by the passenger transport operators on the same concern. Notwithstanding, it is important to point out that still one third (30%) of the drivers consulted express a positive opinion in this respect, with an additional proportion of 22% providing a neutral answer.

44 An extended selection of relevant translated comments submitted by drivers on this issue can be found in Annex B.2.



Proportions calculated on the basis of a sample of N= 441 responses for drivers

Figure 4-14: Impact of the driving times and rest periods rules in the road passenger sector: views from the drivers

4.4 Thematic findings for daily rest and daily spread-over

KEY FINDINGS

- Most road passenger transport companies claim that the requirements on the current maximum daily spread-over are not, or only partially, suitable to meet their specific business needs or to ensure satisfactory safety levels and organisational flexibility. In particular, operators stress the negative impact that situations where the maximum daily spread-over is exceeded have on their business organisation, cost and quality of the services offered to the customers.
- Drivers have, on the other hand, a more balanced position, with most of them claiming that the current requirements only partially fit their working and operational needs, and with an additional one third of them stating a positive opinion in this respect.
- When consulted on the two possible options to optimise the present requirements on daily rest and maximum daily spread-over, companies largely support the option of extending the maximum daily spread to 16 hours. This opportunity is also welcomed with a positive perception by a larger part of drivers. In particular, drivers appreciate the positive impact that such modification would bring in terms of improved quality of the transport services offered to the customers.

The first thematic issue on which road passenger transport companies and drivers were asked to indicate their level of agreement was the daily rest and the daily spread over, for which an introduction was given in Table 2-1 in previous section 2.1.

As seen in Figure 4-15 below, road passenger transport companies globally agree that the requirements on daily rest and the current maximum daily spread-over are not (48%), or only partially (36%) suitable to meet their specific business needs or to ensure satisfactory safety levels and organisational flexibility. Only a small percentage (16%) of respondents declare, instead, that the requirements do meet such needs.

In assessing the requirements on daily rest and daily spread-over, operators stress the risk of exceeding permitted duty hours due to unforeseen delays or the negative impacts in terms of costs (but not in terms of safety) when they have to rely on a feeder driver to complete a 1-day excursion that lasts longer than 15 hours (which may also result in less time for the customers at the place of visit and turn, consequently, into a poorer travel experience).

Box 4-3: Selection of translated illustrative comments provided by transport operators relating to the provisions on daily rest and daily spread over⁴⁵

“To prolong the daily working hours up to 17 h, in cases when driving hours do not exceed 6h”. (A transport operator from Lithuania)

“Longer working hours are very reasonable for non-regular services”. (A transport operator from Lithuania)

“Sometimes rest has to be taken (mostly due to traffic problems) just before arrival (in the worst case 9 hours) while the passengers are still on board”. (A transport operator from Belgium)

“It often happens that there are longer rest periods but shorter than 9 hours. There is often a problem with the duty time while the maximum driving time is far from being reached”. (A transport operator from Belgium)

“Greater flexibility in the maximum daily spread-over in comparison with the amount of hours actually spent on driving”. (A transport operator from Italy)

45 An extended selection of relevant translated comments submitted by transport operators on this issue can be found in Annex B.1.

“Increase maximum daily spread-over to at least 16 hrs and possibly reduce daily rest to 8 hrs. At present the EU rules allow for a reduced rest (3 hours + 9 hours); it should be envisaged to have other types of fractioning for this type of rest”. (A transport operator from Italy)

“A return to the split daily rest periods of 4 = 8 hours would be extremely helpful to the company and I believe attractive to our drivers”. (A transport operator from the United Kingdom)

“Our drivers drive only 4 hours a day at times. Because of the maximum driving time rules, they are not allowed to drive the following Saturday and Sunday. They have to take one or two off days during the week and cannot sum up enough hours”. (A transport operator from Germany)

On this issue, unlike road passenger transport companies, for professional drivers a relatively balanced distribution can be distinguished between the different question headings.

Box 4-4: Selection of translated illustrative comments provided by drivers relating to the provisions on daily rest and daily spread over⁴⁶

“Daily rest period should be 11 hours, while the total time should be prolonged to 16 hours”. (A driver from Lithuania)

“If a 16 hour day was introduced you should have 12 hours off before starting work again”. (A driver from the United Kingdom)

“A 16 hrs spread-over would reduce stress on drivers by relieving some of the time limit pressures currently experienced which leads to "racing" against them. Customers would be able to enjoy a more relaxed day and lower cost as the need for a second driver could often be avoided. Double Manning Rules should allow 22 hrs duty as per previous Rules”. (A driver from the United Kingdom)

“It would be appropriate to make the relationship with the customers more flexible while keeping the same degree of safety”. (A driver from Italy)

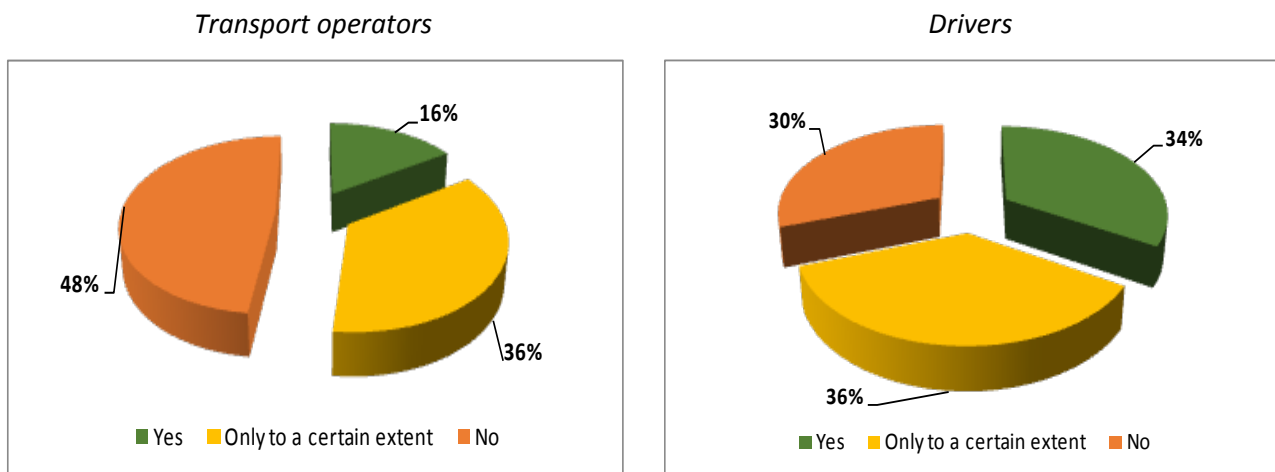
“In general the rules are good but with more flexibility one can more easily take into consideration delays due to things happening on the road and weather conditions”. (A driver from Sweden)

“Driving and rest times rules for coach drivers should be treated in a more flexible way, since we have a lot of downtimes off the road (resting period). Tight driving time regulations could lead to an offensive driving style which does not benefit road safety”. (A driver from Germany)

“Most of the driving time for the day is clearly under 9 hours, the average being 6 or often 3 hours only (due to many stops at sites for sightseeing). Nevertheless, after 6 daily driving periods a 45 hour rest time is mandatory”. (A driver from Germany)

As displayed in Figure 4-15, most drivers comment that only to a certain extent are the current requirements on daily rest and the maximum daily spread-over set at the optimal level to meet the specific needs of bus and coach drivers and their operations, compared to previous requirements laid down in Regulation (EEC) No 3820/85. A little below, the “Yes” question heading collects 34% of the total number of answers provided, but this proportion is closely followed by the percentage of drivers (30%) who express a negative view in answering this question.

46 An extended selection of relevant translated comments submitted by drivers on this issue can be found in Annex B.2.

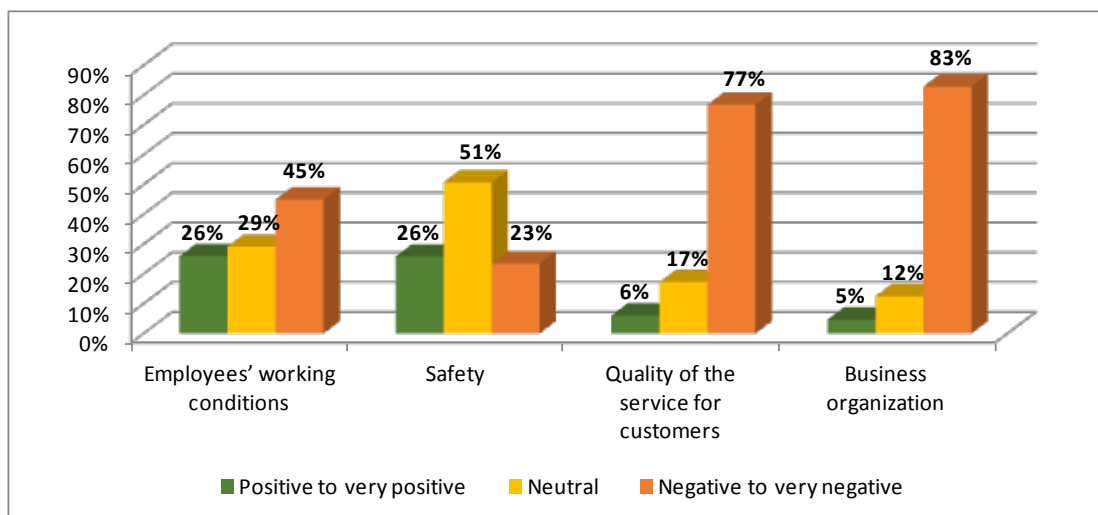


Proportions calculated on the basis of a sample of N= 349 responses for transport operators and N= 441 responses for drivers

Figure 4-15: Transport operators’ and drivers’ evaluation of the current provisions on maximum daily spread-over

Specifically for the passenger transport companies, it can be observed (Figure 4-16) that the negative impact of the current provisions setting the daily rest and the maximum daily spread-over is in particular perceived as adversely affecting both the quality of services for customers and the business organisation. For these two headings, respectively 77% and 83% of the operators consulted state a “Negative to very negative” evaluation.

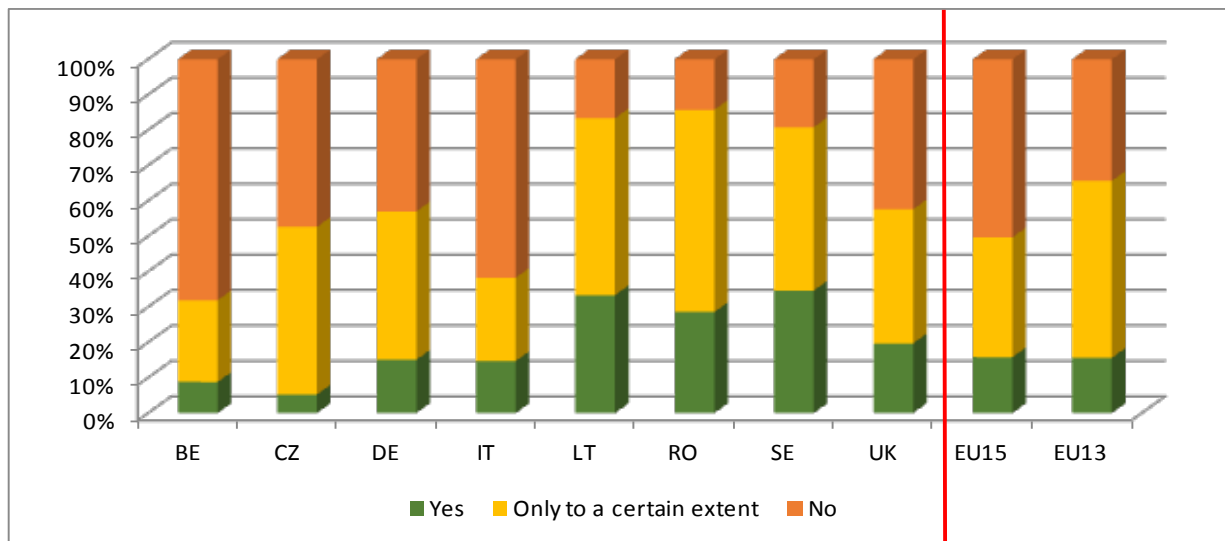
A more positive perspective is, on the contrary, put forth for their employees’ working conditions, while on road safety most of the responding operators express a neutral opinion, even though just under one third of them also positively comment on the impact which the current requirements have on this topic.



Proportions calculated on the basis of a sample of N= 347 responses on working conditions, N= 349 responses on safety, N=349 for quality of the service to customers and N= 345 responses on business organisation elicited from transport operators

Figure 4-16: Transport operators’ evaluation of the impact of daily rest and maximum daily spread-over requirements

When looking at the distribution of the responses by country (Figure 4-17), it can be observed that Belgium and Italy are the Member States in which the largest proportions of negative responses are reported from road passenger transport companies, with respectively 68% and 62% of all replies supplied.



Proportions calculated on the basis of a sample of N= 342 responses for transport operators

Figure 4-17: Transport operators' evaluation of the current provisions on maximum daily spread-over. Distribution by country

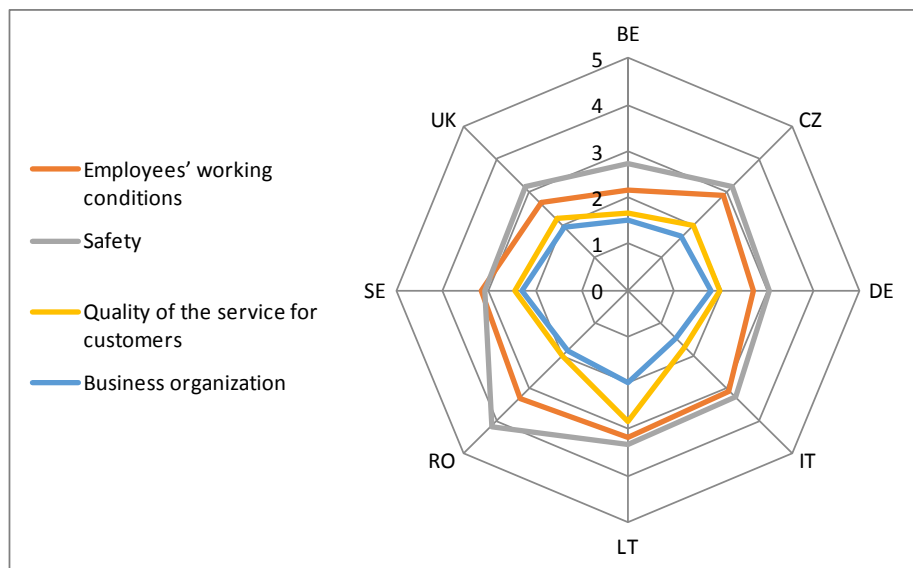
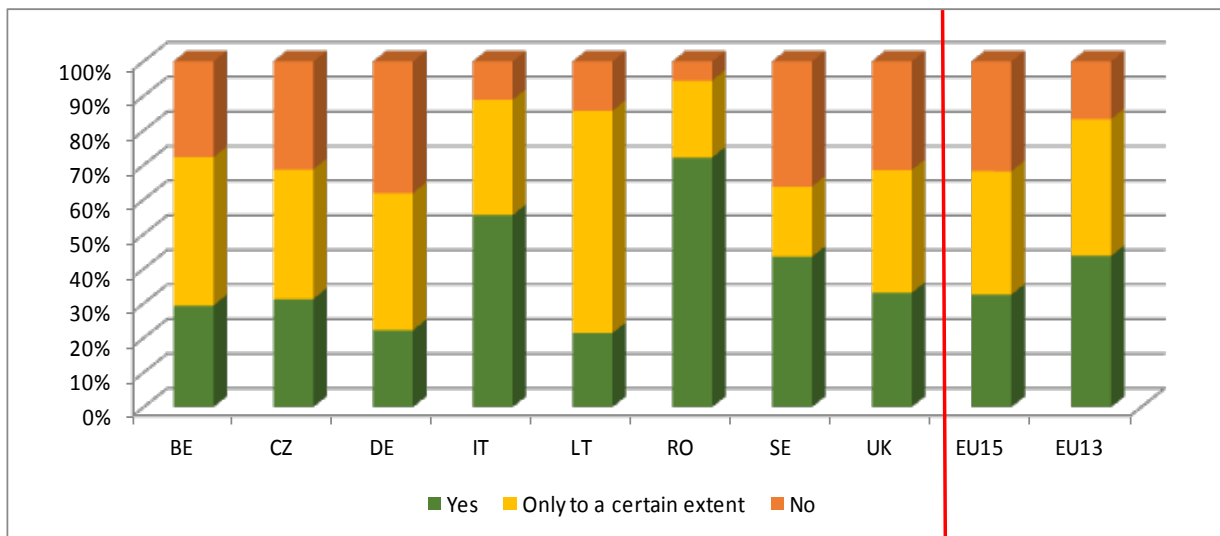


Figure 4-18: Detailed overview of transport operators' perceived impacts of current EU rules on daily spread-over. Evaluation by targeted Member States (1: very low; 5 very high)

Concerning drivers, as suggested by Figure 4-20 below, in half of the countries (Belgium, Czech Republic, Germany and United Kingdom), a substantially balanced distribution of answers across the three question headings is observed, with replies under the "Only to a certain extent" question heading thinly prevailing over the other two question headings (on average 39% compared to 30% and 31% for the "Yes" and "No" question headings respectively).

By contrast, Romania and Italy with respectively 72% and 55% of responses to the "Yes" heading were the countries showing the largest proportions of drivers disclosing a positive perception about this topic. Lastly,

Germany and Sweden are the two countries among all targeted Member States that provide the largest proportions of negative answers (38% and 36%, respectively).



Proportions calculated on the basis of a sample of N= 432 responses for drivers

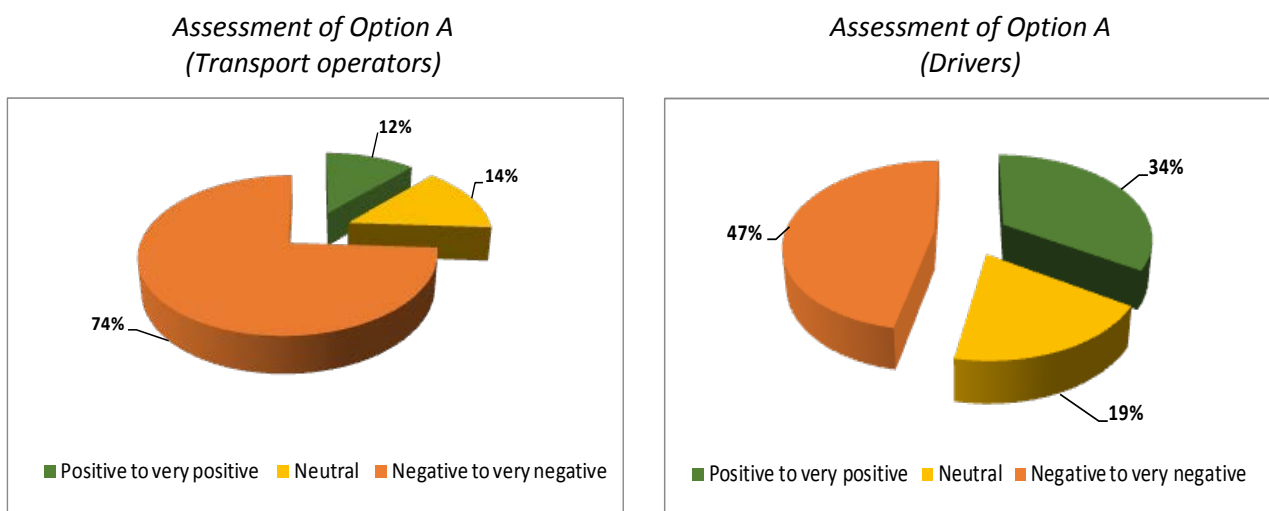
Figure 4-19: Drivers' evaluation of the current provisions on maximum daily spread-over. Distribution by country

Along with their overall opinion on whether the current requirements for maximum daily-spread are optimally set to properly meet their specific operational and working needs, companies and drivers were also asked to provide input regarding their evaluation of the effectiveness of two possible options to revise the maximum daily spread-over against the current provisions (Box 4-5). The consolidated overview of both companies' and drivers' replies is shown in Figure 4-20 below.

Box 4-5: Comparison between options to optimize the maximum daily spread-over

Option A: Keeping the requirements on daily rest and daily spread-over as they are currently laid down in Regulation (EC) No 561/2006 (15 hours).

Option B: Changing the current requirements on daily rest and daily spread-over (i.e. to be able to increase the daily spread-over to 16 hours, as under the previous rules).

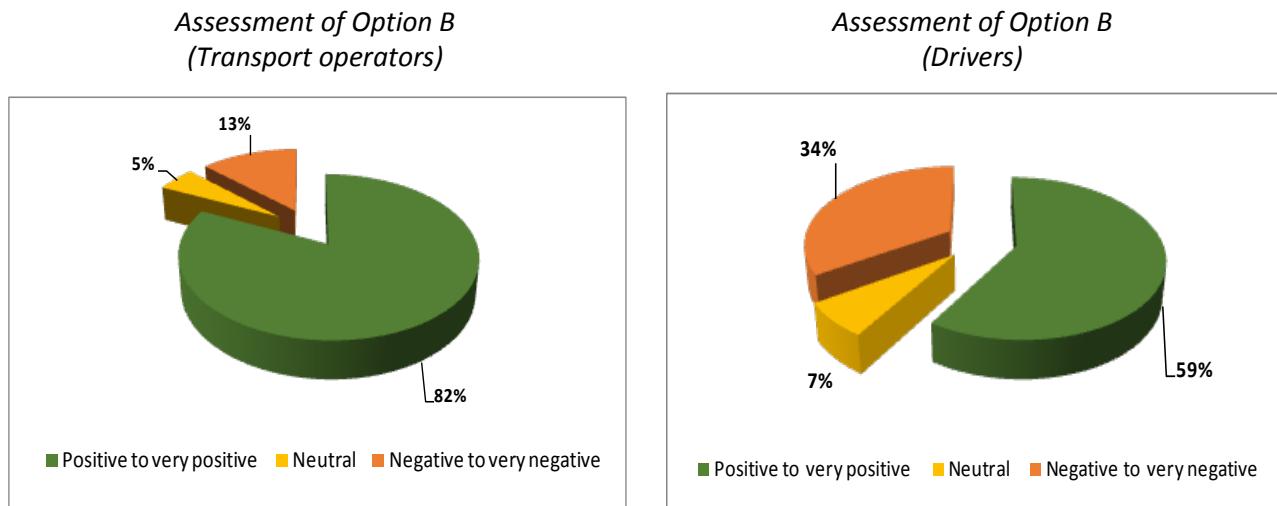


Proportions calculated on the basis of a sample of N= 330 responses for transport operators and N=407 responses for drivers

Figure 4-20: Assessment of the current provisions on maximum daily spread-over. Views from the transport operators and the drivers

As suggested by Figure 4-20 above, 74% of all transport undertakings consulted claim Option A (current rules) to be ineffective. Although to a lesser extent, drivers share a common perspective with the majority of them (47%) arguing the inappropriateness of the current requirements on the maximum daily spread-over. However, and in comparison to the undertakings, for drivers the distribution of the replies across the different question headings is less clean-cut with one-third of them (34%) still showing appreciation for the normative setting presently in force (on the contrary, such appreciation is expressed by only 12% of the companies consulted).

The assessment of Option A leads, subsequently, to the analysis of passenger transport undertakings' and drivers' responses with respect to a possible revision of the current rules on daily spread-over (Option B).



Proportions calculated on the basis of a sample of N= 344 responses for transport operators and N=402 responses for drivers

Figure 4-21: Need for updating current provisions on maximum daily spread-over. Views from the transport operators and the drivers

On this matter, as synthesised in Figure 4-21, 82% of the passenger transport companies are in favour of extending the maximum daily spread-over to 16 hours. Markedly, Belgium (89%), the United Kingdom (88%) and the Czech Republic (84%) are the Member States where the second option is found to be supported the most.

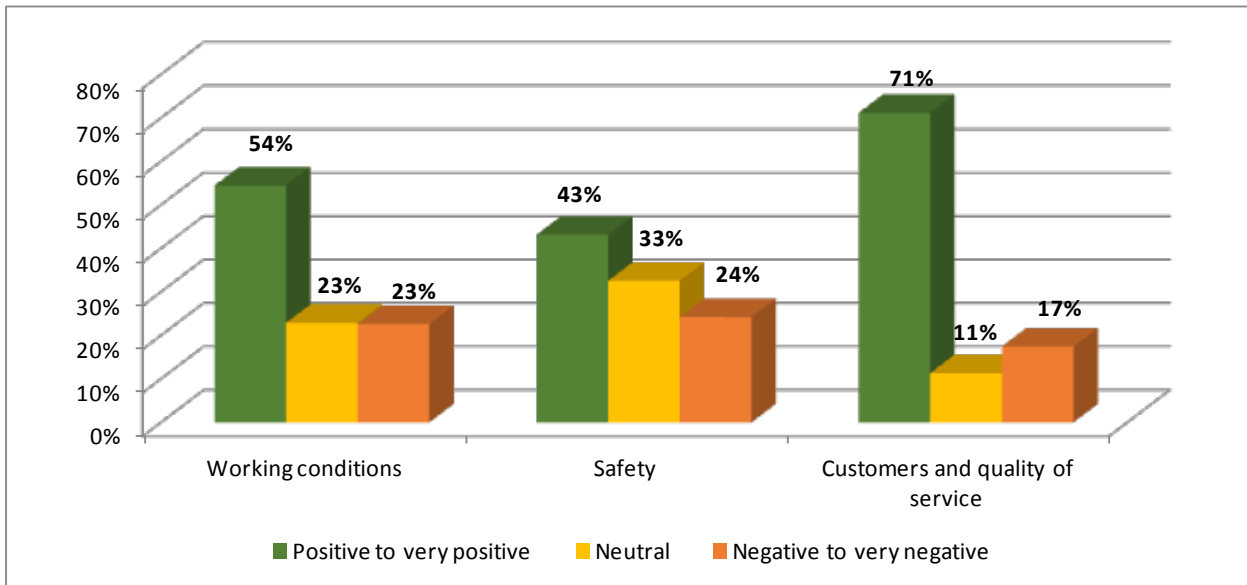
In this regard, comments received by operators do not only stress the importance of extending the maximum daily spread-over to 16 hours, but also point out the need to clarify when derogations are admitted (for example due to delayed flights, road queues, emergency situations and any other situations that can be factually checked), to allow a greater fractioning (e.g. 4+8 hours instead of 9+3 hours with the shortest fraction calculated as a sum of all times), make the maximum daily spread-over proportional to the hours spent driving (e.g. the less a driver drives, the longer the daily spread-over should be) and, lastly, include in the daily rest the amount of hours of inactivity spent by drivers (e.g. loading, unloading of passengers, visits, etc.).

The majority of drivers agree on this position as well, with a proportion of 59% of them welcoming the possibility of increasing the current daily spread-over to a maximum of 16 hours. It is worth saying, however, that similarly to the assessment of Option A, the standpoint expressed by the drivers is less clear-cut. In fact, still 34% of drivers report not being in favour of any changes to the current provisions, while a residual 7% of respondents remain neutral.

Drivers commented that, in general, the current rules on daily rest and daily spread over are satisfactory but greater flexibility would allow them to take more easily into consideration any unforeseen event that may happen during the trip and that may jeopardise compliance with the 15-hour maximum duty period.

In particular (Figure 4-22), drivers appreciate the positive impact that such a modification would bring in terms of improved quality of the transport services offered to the customers, as confirmed by 71% of the drivers consulted.

Better working conditions are also agreed by a significant proportion of drivers (54%), while 43% of them also identify further improved road safety as a potential benefit from a revised set of rules on maximum daily spread-over.



Proportions calculated on the basis of a sample of N= 358 responses on working conditions, N= 359 responses on safety and N= 361 responses on customers and quality of service elicited from drivers.

Figure 4-22: Expected impacts deriving from a new ruling of the maximum daily spread-over. Views from the drivers

4.5 Thematic findings for weekly rest

KEY FINDINGS

- Undertakings mostly state a negative opinion about the adequacy of the weekly rest requirements which are considered unsuitable to satisfy their business needs and to ensure appropriate levels of road safety. Namely, companies criticise the lack of flexibility.
- Views of drivers are more mixed in this respect with all question headings levelling at the same percentages, with a slightly majority of them putting forth a negative standpoint.
- When consulted on the two possible options to optimise the present requirements on weekly rest, operators see with favour the possibility of taking at least 24 hours' weekly rest every 7 days. Analogously, this option is supported by most drivers who perceive improvements as far as quality of services provided to customers and better working conditions are concerned.

The second thematic issue on which road passenger transport companies and drivers were offered the opportunity to provide their views on is weekly rest, for which an introduction was given in Table 2-1 in previous section 2.1.

On this point, the majority (54%) of the transport companies object to the fact that the current provisions regulating this area are neither suitable to satisfy their business needs, nor to ensure appropriate levels of road safety and operational flexibility (Figure 4-23). Also, if compared to the views originated on the daily spread-over, the "No" heading marks a higher percentage (54% against 48%), while responses to the "Yes" heading are approximately half of those reported for the daily spread-over. Lastly, 38% of all companies express a moderate satisfaction, arguing that the current framework on weekly rest meets companies' needs "Only to a certain extent". In particular, operators criticise the lack of flexibility of the current rules which can lead to situations that can create driver unfriendly rosters.

Box 4-6: Selection of translated illustrative comments provided by transport operators relating to the provisions on weekly rest⁴⁷

"Problems occur only on non-regular trips, when a crew go abroad for longer than one week. Passengers have a wish to travel every day and drivers have to take their weekly rest". (A transport operator from Lithuania)

"Regular weekly rest could be divided into several shortened weekly rest periods each 24 h. For e.g. a 15 day tour Vilnius-Spain-Vilnius drivers have a possibility to rest 4 days for 24 hours or longer (30 h): on the 4th, 7th, 10th and 12th days of the journey". (A transport operator from Lithuania)

"A 24-hour weekly rest period plus 11 hours of daily rest shall be allowed for a total weekly rest of 35 hours with the possibility to reduce it to 33 hours as set in previous Regulation (EEC) 3820/85". (A transport operator from Italy)

"Current rest requirements are designed for truck drivers and in our sector do not allow an optimal use of the vehicle fleet and of the drivers roster (for instance, a driver who, for 15 days, drives alternatively one day and one not with rest periods in-between of 24 to 30 hours would not be compliant with the rules because he has not taken the consecutive 45 hours. This is unacceptable". (A transport operator from Italy)

47 An extended selection of relevant translated comments submitted by transport operators on this issue can be found in Annex B.1.

“The current rules are too restrictive for local work, they restrict flexibility for small companies. Rules relating to local journeys less than 50 miles from base need to be introduced”. (A transport operator from the United Kingdom)

“Replacing the 45-hour weekly rest with a 24-hour mandatory rest. The 45-hour weekly rest should apply only once the service has been operated but regardless its duration”. (A driver from Romania)

Unlike passenger transport companies, and analogously to what was observed with the analysis of their evaluation of the requirements on daily rest and maximum daily spread-over, the position of the **drivers** is more mixed.

Box 4-7: Selection of translated illustrative comments provided by drivers relating to the provisions on weekly rest⁴⁸

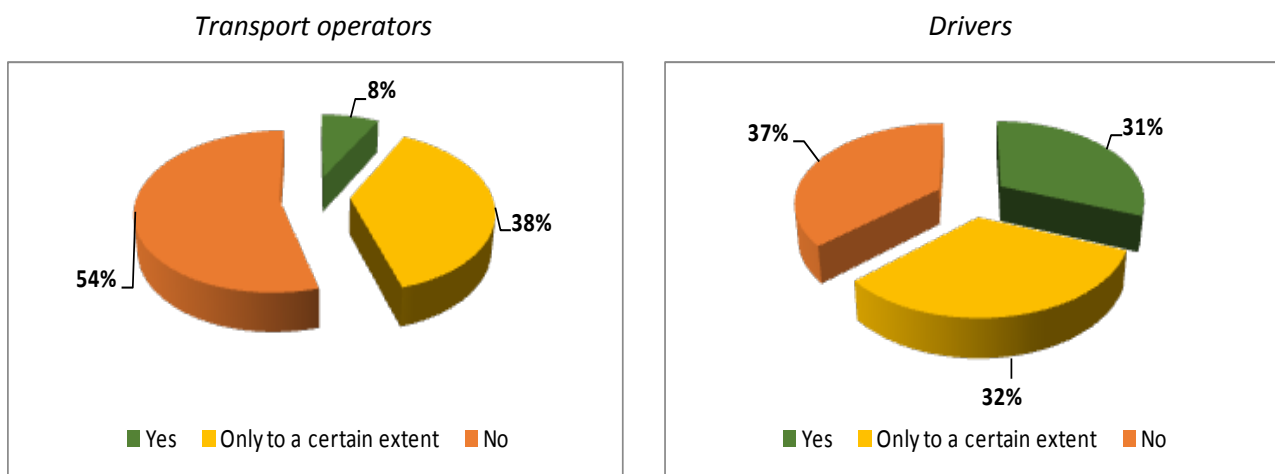
“In case of a long drive abroad with two drivers, sometimes the customer demands to reduce the resting periods during the day in order to save time for the overnight in hotels”. (A driver from Lithuania)

“If I have worked a week where I have only driven 2 or 3 hours per day I do not always require a full 45 hour rest. The ability to recover this over a 13 week period would aid flexibility”. (A driver from the United Kingdom)

“Driving hours should be decreasing, not increasing and rest periods should be increasing, not decreasing” (A driver from the United Kingdom)

“Key to secure safety is compliance with the requirement of the 24-hour weekly rest taken within the 7th day. As for the 45 hours, there should be more flexibility, always taking into account the calculation of the working hours spent”. (A driver from Italy)

As illustrated in Figure 4-23, for drivers all question headings level approximately at the same percentages, though negative views are provided in a slightly greater proportion (37%) compared to the two remaining question headings (32% for “Only to a certain extent” and 31% for “Yes”).

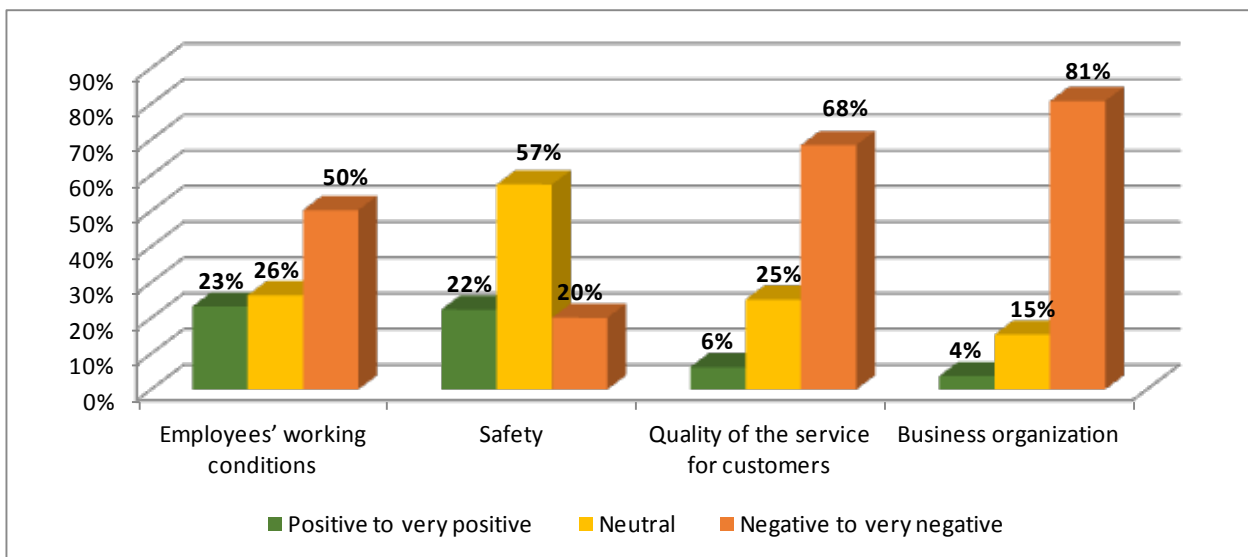


Proportions calculated on the basis of a sample of N= 349 responses for transport operators and N= 441 responses for drivers

Figure 4-23: Transport operators’ and drivers evaluation of the current provisions on weekly rest

48 An extended selection of relevant translated comments submitted by drivers on this issue can be found in Annex B.2.

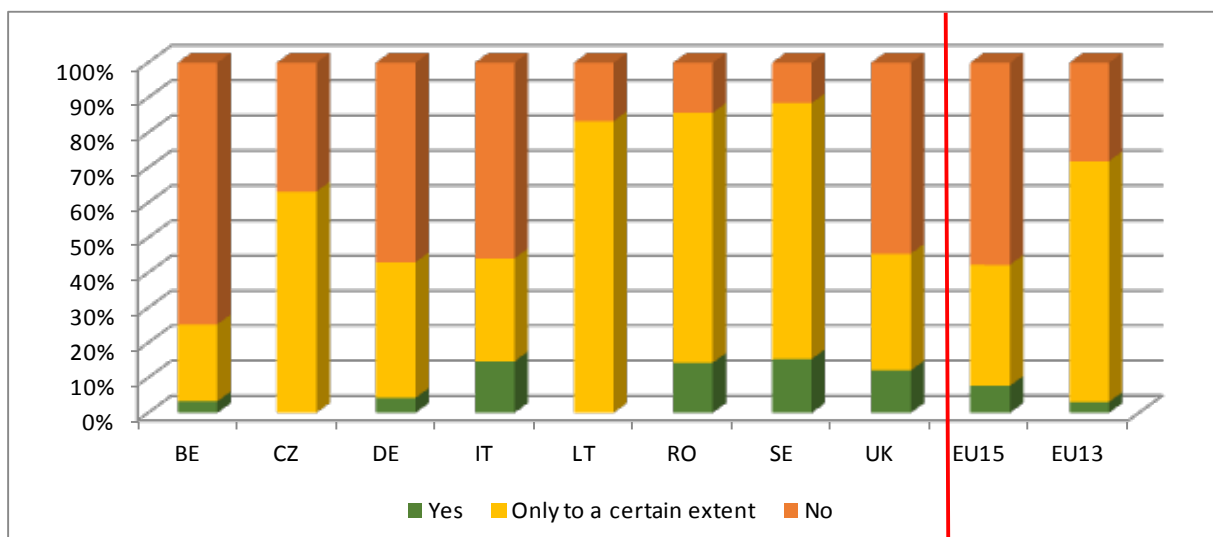
In terms of impacts, current weekly rest requirements are markedly seen by passenger transport companies as detrimental to the quality of services offered to customers as well as to the overall business organisation. Dissatisfaction in these two areas levels off at respectively 68% and 81% of the total number of replies submitted. Remarkably, we ought also to consider the significant proportion of negative views that companies have expressed with respect to the impact of the weekly rest requirements on working conditions. Indicatively half of all responses elicited claim a “Negative to very negative” repercussion in this domain, while for the impact on road safety the position of the majority of the companies (57%) remains neutral.



Proportions calculated on the basis of a sample of N= 348 responses on working conditions, N= 348 responses on safety, N=349 for quality of the service to customers and N= 344 responses on business organisation elicited from transport operators

Figure 4-24: Transport operators' evaluation of the impact of weekly rest requirements

Looking at the geographical distribution of the responses on weekly rest requirements, Belgian companies are those that most express views on the inadequacy of the provisions in force for weekly rest (Figure 4-25). For this Member State, responses to the “No” heading account in fact for 75% of all answers provided. In addition, German, Italian and British undertakings state a particularly high level of dissatisfaction. In these Member States objection is expressed by respectively 57%, 56% and 55% of all opinions gathered.



Proportions calculated on the basis of a sample of N= 342 responses for transport operators

Figure 4-25: Transport operators' evaluation of the current provisions on weekly rest. Distribution by country

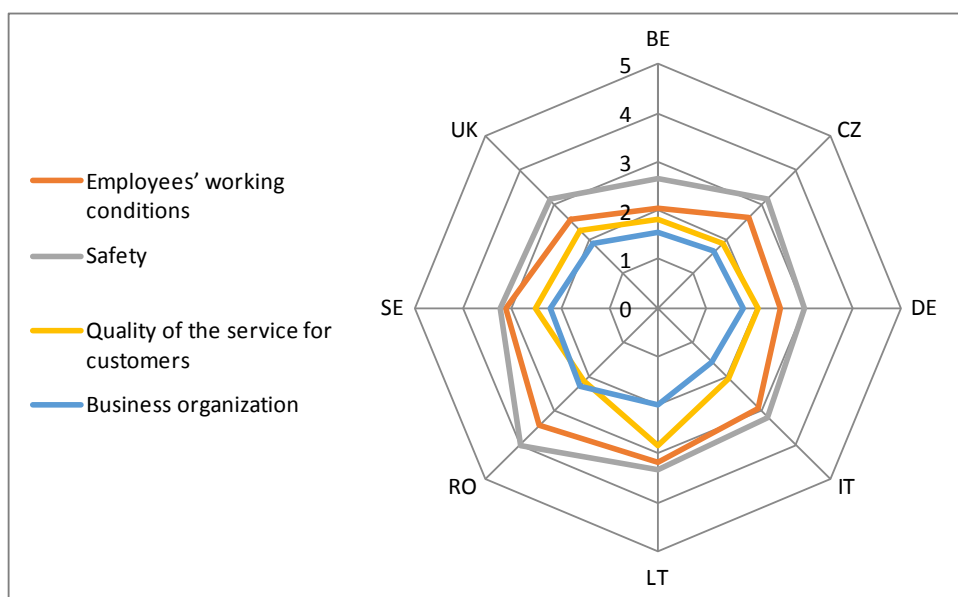
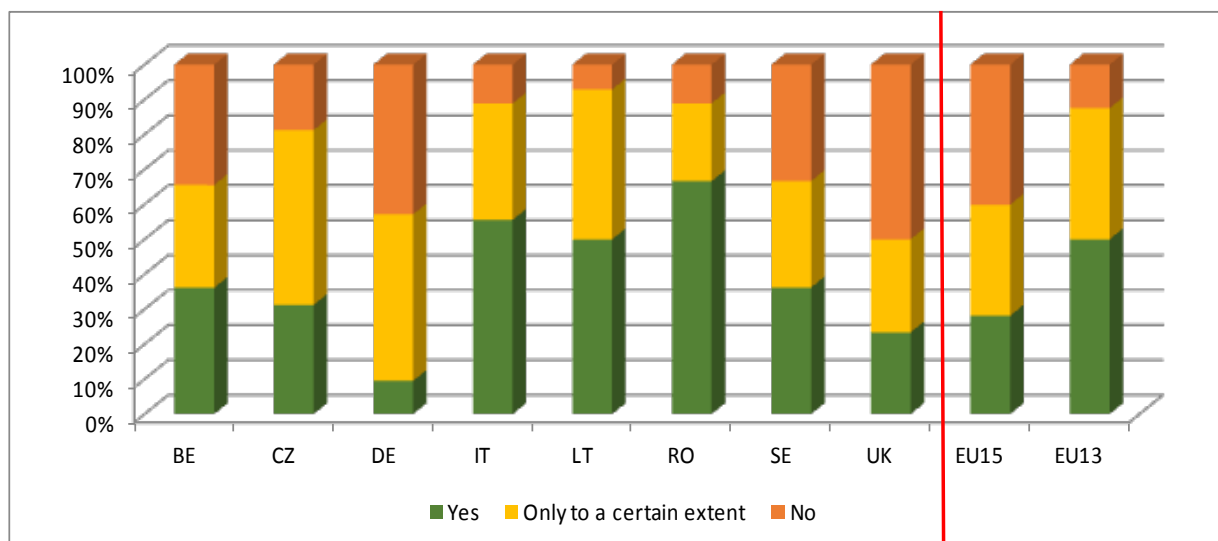


Figure 4-26: Detailed overview of transport operators' perceived impacts of current EU rules on weekly rest. Evaluation by targeted Member States (1: very low; 5 very high)

Drivers regard more favourably the rules on weekly rest in comparison to the transport operators, as reflected in the distribution of the responses to the “Yes” heading among the distinct Member States (Figure 4-27). In this respect, it is interesting to underline that a very high level of satisfaction is found for Romania, Italy and Lithuania with respectively 67%, 56% and 50% out of the total answers individually collected for each of these Member States. On the contrary, United Kingdom (50%) and Germany (43%) are found to be the two Member States where negative opinions outnumber stated positive views.



Proportions calculated on the basis of a sample of N= 432 responses for drivers

Figure 4-27: Drivers' evaluation of the current provisions on weekly rest. Distribution by country

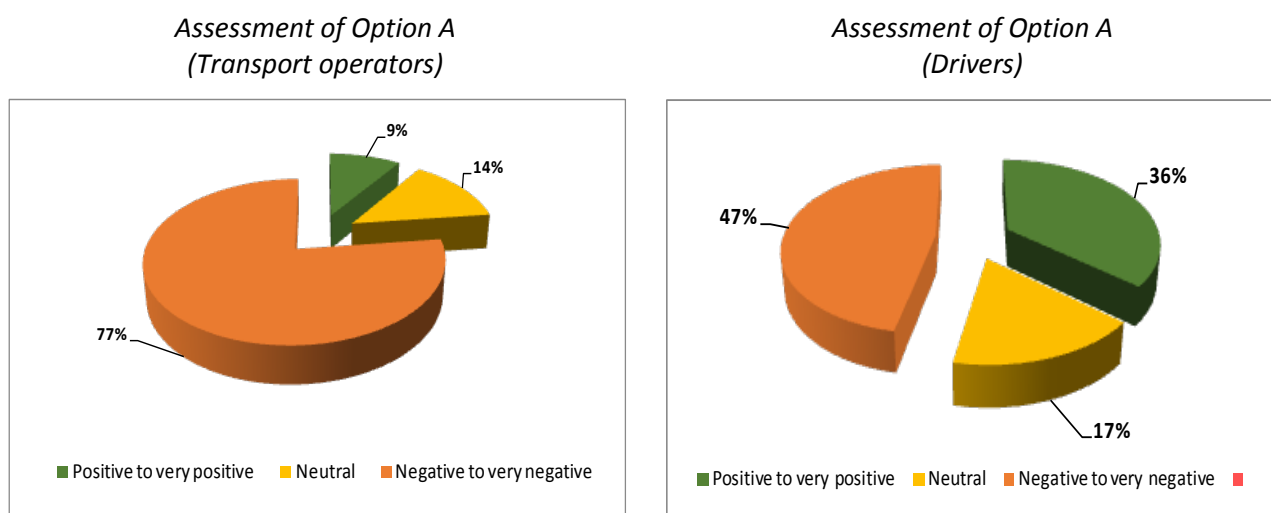
Also for weekly rest, operators and drivers were asked about the opportunity to introduce changes in the relevant regulatory setting.

Box 4-8: Comparison between options to optimize weekly rest

Option A: Keeping the requirements on weekly rest as they are currently laid down in Regulation (EC) No 561/2006.

Option B: Changing the current requirements on weekly rest by introducing the possibility for drivers to take at least 24 hours' weekly rest every 7 days, where the difference between the 45 hours (regular weekly rest) and the effectively taken weekly rest of at least 24 hours is taken in compensation during a 13-week reference period if not taken during the same week.

As illustrated in Figure 4-29 below, passenger transport undertakings are largely not in favour of Option A (current rules). This standpoint is almost unanimously agreed by 77% of them, while only 9% of the operators state a positive comment in this respect. The inadequacy of the present rules is also pointed out by most drivers (47%), although a significant proportion of them still express a preference for keeping the requirements on weekly rest as they are today.



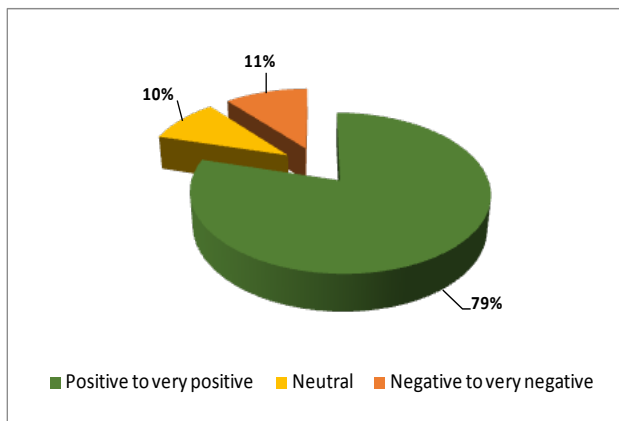
Proportions calculated on the basis of a sample of N= 330 responses for transport operators and N=371 responses for drivers

Figure 4-28: Assessment of the current provisions on weekly rest. Views from the transport operators and the drivers

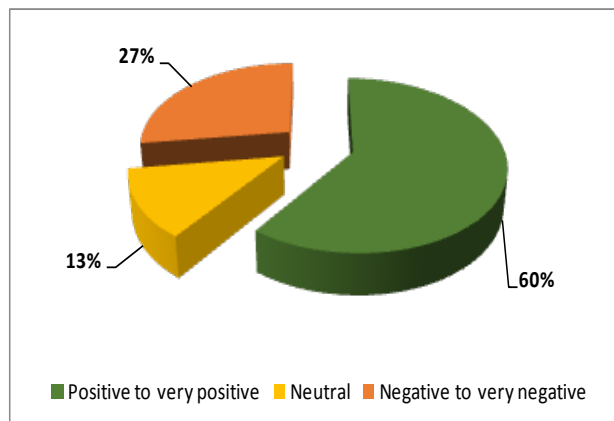
Consequently, companies do support the opportunity to introduce (as in Option B) the possibility for drivers to take at least 24 hours' weekly rest every 7 days, where the difference between the 45 hours (regular weekly rest) and the effectively taken weekly rest of at least 24 hours is taken in compensation during a 13-week reference period if not taken during the same week. This option is supported by a vast majority (79%) of the companies consulted, while only 10% of them opt for keeping the requirements on weekly rest in their current shape.

In a similar manner, most drivers (60%) also indicated support for revising the current framework on weekly rest. This stance is motivated in particular by a perceived improvement (Figure 4-30) as far as quality of services provided to customers (70% of the number of responses collected) and better working conditions (62% of the number of responses collected) are concerned.

Assessment of Option B
(Transport operators)

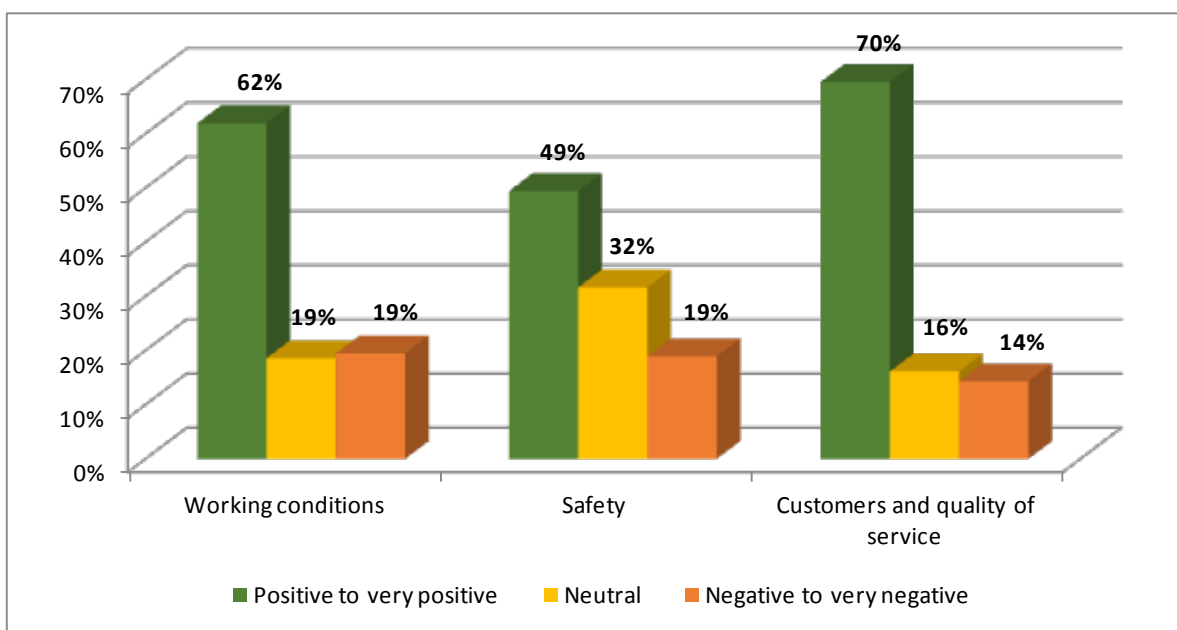


Assessment of Option B
(Drivers)



Proportions calculated on the basis of a sample of N= 345 responses for transport operators and N=362 responses for drivers

Figure 4-29: Need for updating current provisions on weekly rest. Views from the transport operators and the drivers



Proportions calculated on the basis of a sample of N= 339 responses on working conditions, N= 338 responses on safety and N= 335 responses on customers and quality of service elicited from drivers.

Figure 4-30: Expected impacts deriving from a new ruling of the weekly rest. Views from the drivers

4.6 Thematic findings for the 12-day derogation

KEY FINDINGS

- The majority of companies states a negative opinion with respect to the contribution of the requirements on the 12-day derogation to their business and operational needs, although approximately one third of them expresses a partial satisfaction.
- Compared to the undertakings, the level of satisfaction of drivers is higher. However, indicatively one third of them still argue that the current requirements of the 12-day derogation are detrimental to their working and operational needs.
- Most companies are in favour of a revision of the current requirements on the 12-day derogation rule, which should also entail the abolition of the single trip limitation, along with its extension to national occasional passenger transport as well.
- Advocacy for a new regulatory setting for the 12-day derogation is also considered by most of the drivers and improved quality of services provided to customers and better working conditions are considered to be the main likely benefits in case such a revision should occur.

The opinion of road passenger transport companies and drivers was also sought on the issue of the 12-day derogation, for which an introduction was given in Table 2-1 in previous section 2.1.

In evaluating the level of adequacy of the requirements on the 12-day derogation (Figure 4-31), the majority of the passenger transport undertakings consulted (46%) reach the same conclusion, i.e. that the current provisions in this area have not positively contributed to their business and operational needs. However, an important number of operators (39%) point out that such contribution is partial, while only a few respondents (15%) believe that the current ruling of the 12-day derogation meets their operational and business needs.

Box 4-9: Selection of translated illustrative comments provided by transport operators relating to the provisions on the 12-day derogation⁴⁹

“It is not understandable why the derogation is only valid for international services. In Italy tours lasting 8 to 10 days can also be offered and there the level of driver's duty is limited (4 to 5 hours of driving per day, with days where the driver is only on duty to secure transfer from the hotel to the city centre)”. (A transport operator from Italy)

“Trips abroad are positive compared with when no extensions at all were allowed. We request, however, that restrictions on international trips should be removed”. (A transport operator from Sweden)

“The 12 day rule would help us by giving more flexibility in driver rotation given that drivers are in short supply”. (A transport operator from the United Kingdom)

49 An extended selection of relevant translated comments submitted by transport operators on this issue can be found in Annex B.1.

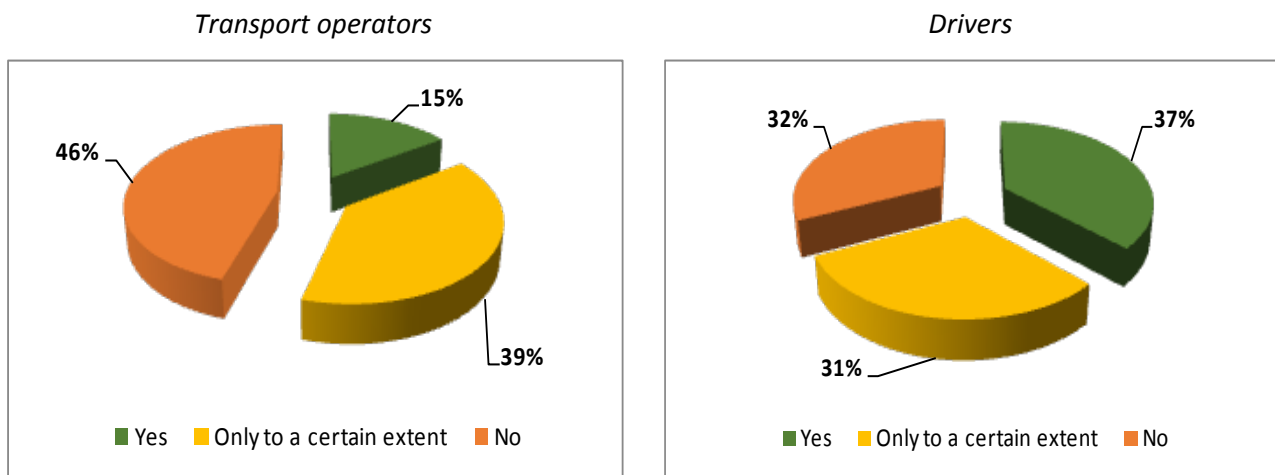
Compared to the undertakings, drivers voice a different understanding of the contribution of the 12-day derogation requirements, as their level of satisfaction is reported to be higher.

Box 4-10: Selection of translated illustrative comments provided by drivers relating to the provisions on the 12-day derogation⁵⁰

“There is no evidence that the previous arrangements on 12 day working had any adverse effects on safety or that the current arrangements have in any way made a contribution towards improving safety”. (A driver from the United Kingdom)

“It is necessary to take in to account that a tour by coach in Europe can last between 7 to 14 days and during this time the tours agency can have the daily program with a rented coach for this tour - reason for which it should be possible to take the daily rest cumulatively at the return. Also, it is necessary to take in to account that this derogation can be applied within the country when the tour lasts 10 days and a single driver without weekly rest, which can be taken when he returns in his home locality, can perform the daily program”. (A driver from Romania)

When combining the responses to the “Yes” heading (37%) with the percentage measured for the “Only to a certain extent” evaluation criterion (31%), a total of 68% of drivers are moderately to highly satisfied with the current requirements on the 12-day derogation if compared to the antecedent ruling of Regulation (EEC) No 3820/85. Nevertheless, it should be stressed that just above one third of all responding drivers (32%) still argue that the current requirements of the 12-day derogation are detrimental to the needs of bus and coach drivers and of their operations.

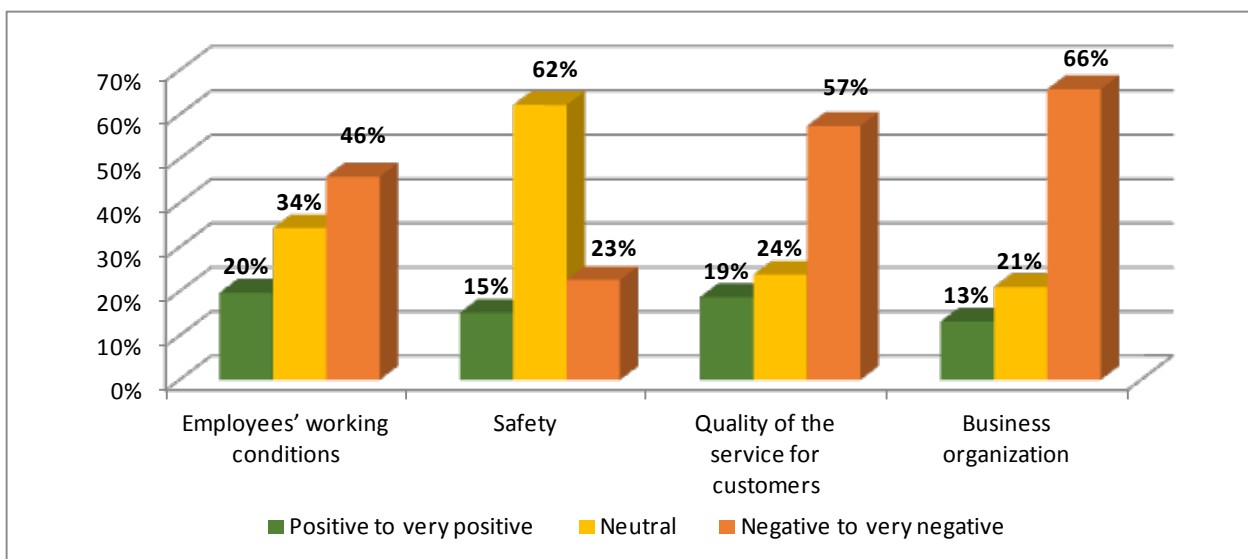


Proportions calculated on the basis of a sample of N= 349 responses for transport operators and N= 441 responses for drivers

Figure 4-31: Transport operators’ and drivers evaluation of the current provisions on the 12-day derogation

The industry’s opposition to the current provisions on the 12-day derogation is supported by the concern that these provisions have produced damaging effects on the quality of service to customers and on their business organisation (Figure 4-32). For these two domains 57% and 66% of the operators think that the impact was negative to very negative. Also, operators raise concerns that the 12-day derogation rules generate drawbacks on the employees’ working conditions, while for most of them the impact on road safety is commented as neutral, even though 23% of respondents still argue that such impact is negative.

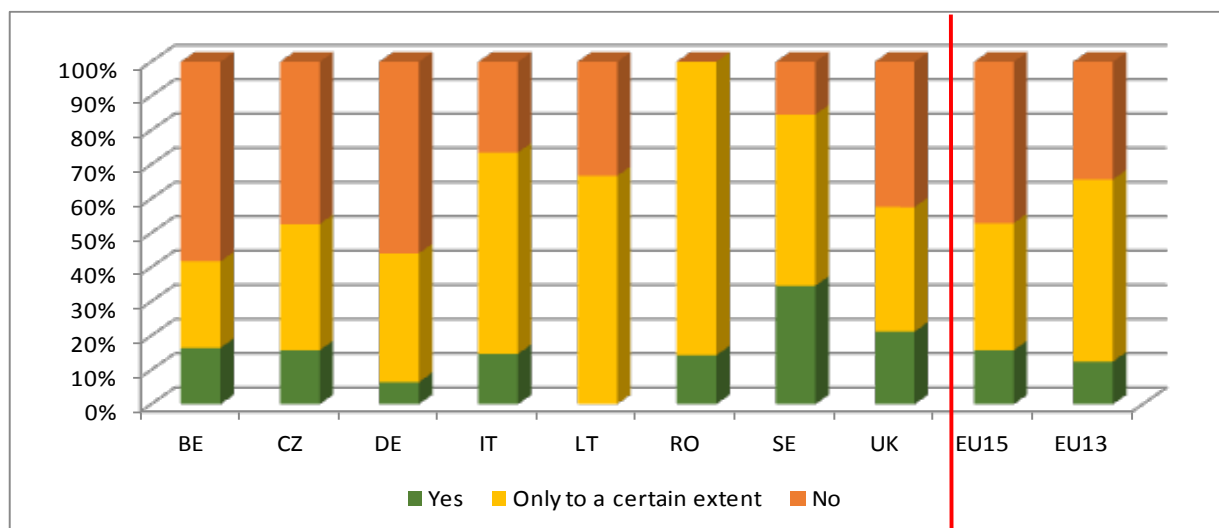
50 An extended selection of relevant translated comments submitted by drivers on this issue can be found in Annex B.2.



Proportions calculated on the basis of a sample of N= 335 responses on working conditions, N= 336 responses on safety, N=336 for quality of the service to customers and N= 333 responses on business organisation elicited from transport operators

Figure 4-32: Transport operators' evaluation of the impact due to 12-day derogation requirements

Inadequacy is namely expressed by the German and Belgian road passenger transport companies (Figure 4-33), with respectively 58% and 56% of answers to the “No” heading out of the total number of responses collected for these two Member States. Responses to the “Only to a certain extent” heading are found to be a majority in four Member States (Italy, Lithuania, Romania and Sweden), while on average answers to the “Yes” account for approximately 16% of all responses collected across all eight Member States targeted by the survey.



Proportions calculated on the basis of a sample of N= 342 responses for transport operators

Figure 4-33: Transport operators' evaluation of the current provisions on the 12-day derogation. Distribution by country

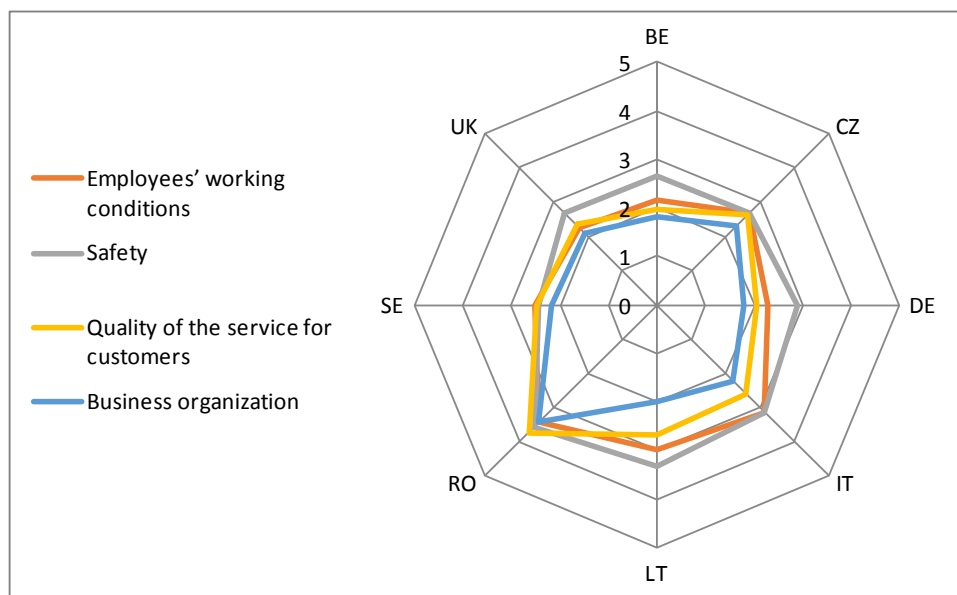
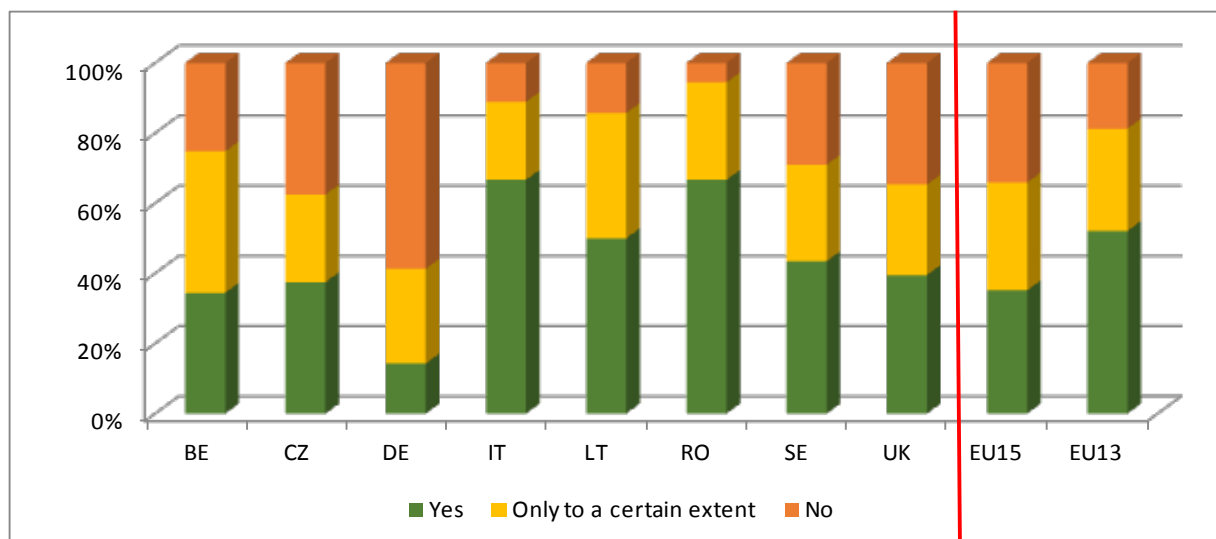


Figure 4-34: Detailed overview of transport operators' perceived impacts of current EU rules on the 12-day derogation. Evaluation by targeted Member States (1: very low; 5 very high)

The comparative analysis can also be further undertaken by observing the distribution of **drivers'** responses by Member State (Figure 4-35). With the exception of Germany, where the negative opinions on the adequacy of the current requirements for the 12-day derogation outnumber the stated positive views, a positive evaluation comes on average from just less than half of all responses (44%) gathered for all Member States. This percentage is particularly high in Romania and Italy where it stands for 77% of all replies assembled from each of these Member States.



Proportions calculated on the basis of a sample of N= 432 responses for drivers

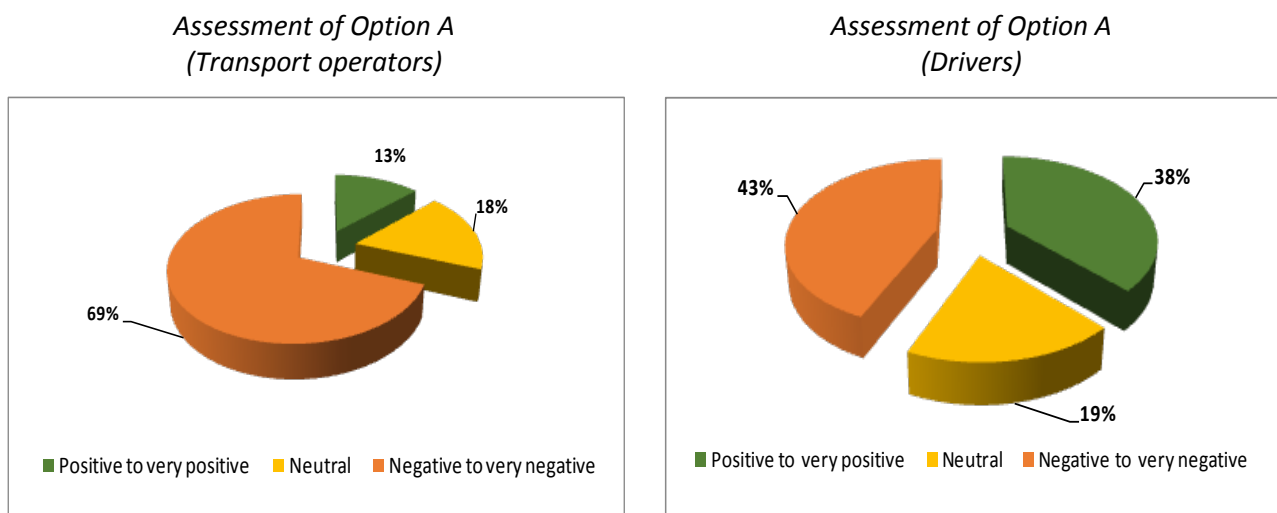
Figure 4-35: Drivers' evaluation of the current provisions on the 12-day derogation. Distribution by country

Box 4-11: Comparison between options to optimize the 12-day derogation

Option A: Keeping the requirements on the 12-day derogation as they are currently laid down in Regulation (EC) No 561/2006 as amended by Regulation (EC) No 1073/2009.

Option B: Changing the current requirements on the 12-day derogation by restoring the requirements laid down in the previous Regulation 3820/85/EEC (no single trip limitation and no extra weekly rest required) but extended to national occasional passenger transport and international services at EU level.

The opportunity of keeping the current requirements on the 12-day derogation receives hostility from approximately two thirds of the companies (69%). Opposition is expressed by most drivers although for this group of respondents there is a mixed response to the possibility of leaving the normative setting on the 12-day derogation unvaried. In fact, support for Option A received an important proportion from 38% of the drivers.



Proportions calculated on the basis of a sample of N= 325 responses for transport operators and N=348 responses for drivers

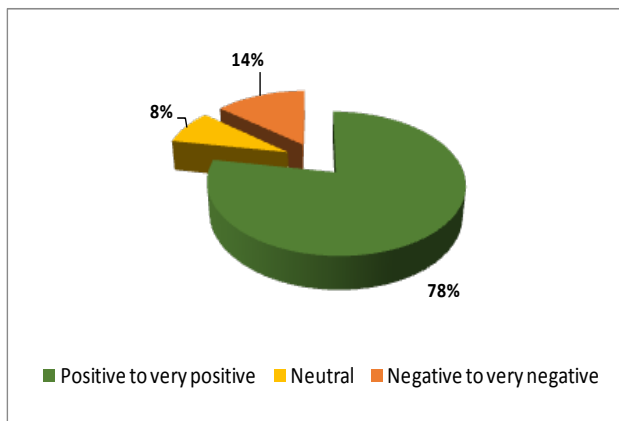
Figure 4-36: Assessment of the current provisions on the 12-day derogation. Views from the transport operators and the drivers

Consistently with their opinion stated against Option A, with 78% of all responses collected the industry mostly supports a change of the 12-day derogation rule by restoring the requirements laid down in the previous Regulation No 3820/85/EEC (no single trip limitation and no extra weekly rest required), extended to national occasional passenger transport and international services at EU level.

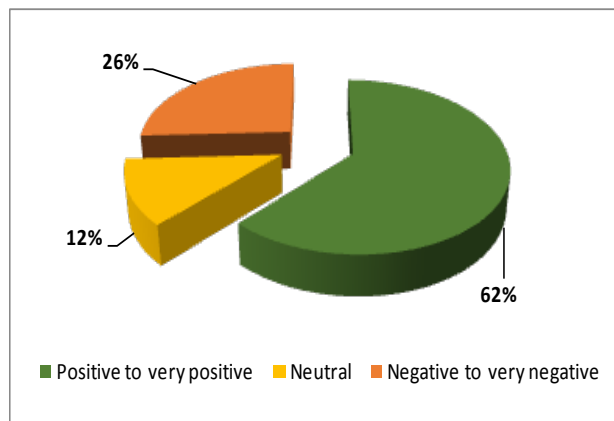
As presented in Figure 4-37 advocacy for a new regulatory setting for the 12-day derogation is also considered by the drivers (62% of all respondents). Key to drivers is also the need to extend the 12-day derogation to cover national services as well as to take out the limitation on a single occasional service.

Benefits from a revised set of rules on the 12-day derogation are particularly expected in terms of improved customer service quality (73% of the total responses under the question heading “Positive to very positive”), better working conditions (62% of the total responses under the question heading “Positive to very positive”) and, although to a lesser extent, improved road safety (51% of the total responses under the question heading “Positive to very positive”) (Figure 4-38).

Assessment of Option B
(Transport operators)

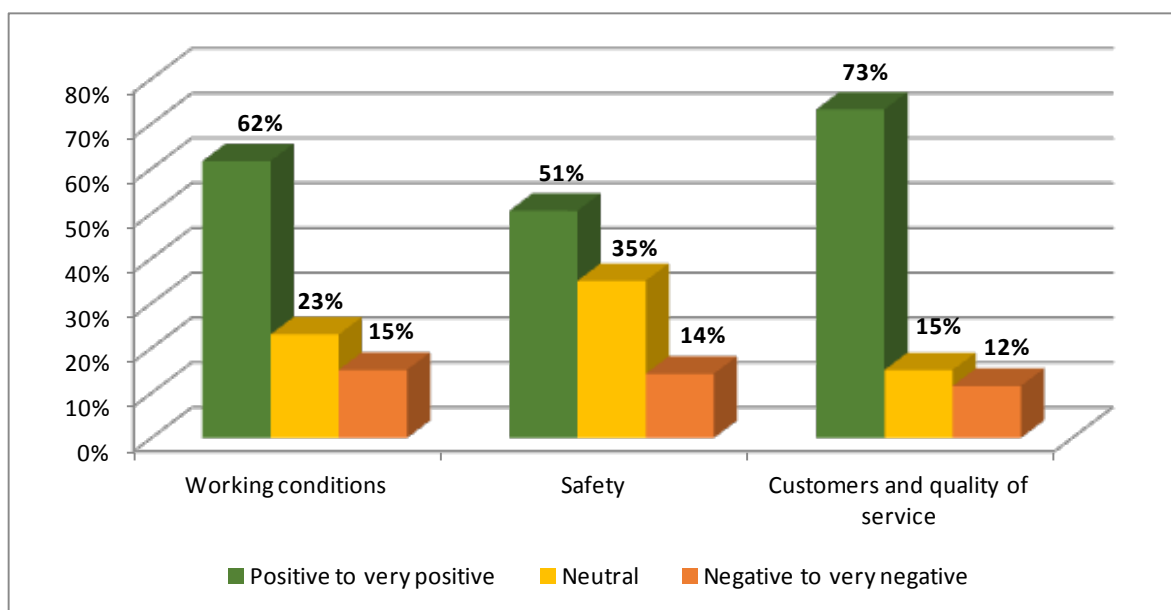


Assessment of Option B
(Drivers)



Proportions calculated on the basis of a sample of N= 341 responses for transport operators and N=342 responses for drivers

Figure 4-37: Need for updating current provisions on the 12-day derogation. Views from the transport operators and the drivers



Proportions calculated on the basis of a sample of N= 316 responses on working conditions, N= 314 responses on safety and N= 310 responses on customers and quality of service elicited from drivers

Figure 4-38: Expected impacts deriving from a new ruling of the 12-day derogation. Views from the drivers

4.7 Thematic findings for breaks

KEY FINDINGS

- On breaks, most operators are dissatisfied with the suitability of the relevant requirements to their business and operational needs, even though a partial appreciation is stated by slightly above one third of them. An even distribution can, conversely, be observed with regard to the opinions expressed by drivers
- The industry broadly advocates the need to reform the current provisions on breaks. Drivers shared a similar view by largely agreeing to the opportunity to revise the present regime. Focus is on a greater level of flexibility, including a higher fractioning of the break periods so as to permit a better management of the service, with benefits for the customers as breaks would be organised in such a way as to be more tailored to passengers' needs.

The survey also asked road passenger transport companies and drivers to rate the adequacy of the current requirements for breaks, for which an introduction was given in Table 2-1 in previous section 2.1.

On breaks (Figure 4-39) the majority (46%) of the companies responding to the consultation believes that the current provisions on breaks are not suitable to meet their operational and business needs. Responses to the consultation on this subject also showed that a proportion of operators (37%) express a partial satisfaction with the present rules, while approximately 18% of companies state a positive assessment about the suitability of the requirements on breaks to their business and operational needs.

Box 4-12: Selection of translated illustrative comments provided by transport operators relating to the provisions on breaks⁵¹

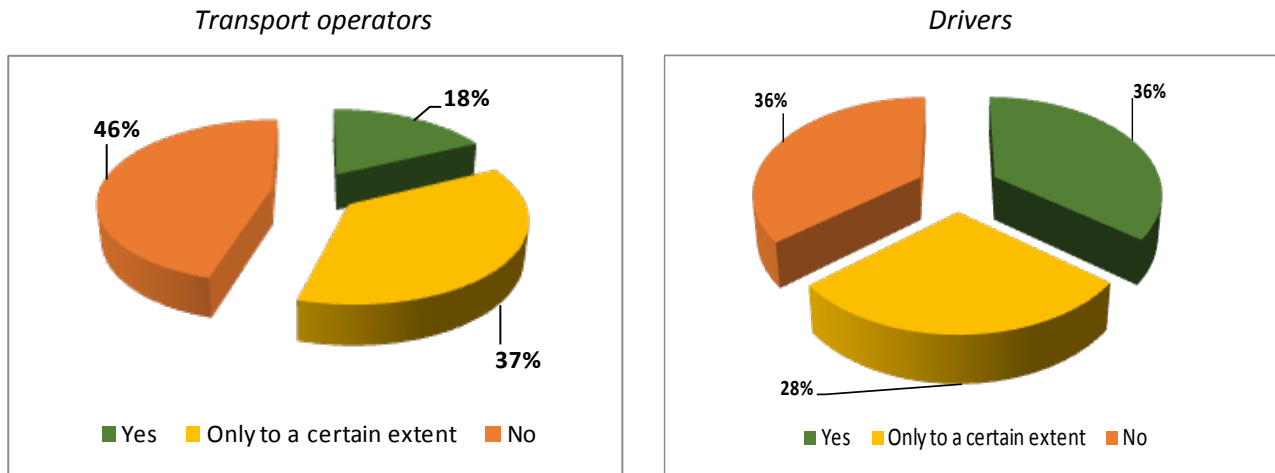
"In connection with passenger transport, it should be possible to exceed the driving time by 30 minutes. If this happens, it must be documented that the journey was correctly planned but that the driving time was exceeded due to other reasons. This eliminates the risk of having to remain standing in a lay-by with 50 passengers for 45 minutes when there are only 10 minutes of the journey left to drive". (A transport operators from Sweden)

"Customers moaning when 30 minutes need being taken. Having a driver starting earlier to get to a pick up point to have 15 minutes there and making the 30 minute break at a better time for customers. The old way was much better and the 30-minute break could still be used if needed. Drivers not happy they have to wait 30 minutes on a return when only 15 minutes would suit them better (and the company). When on motorways sorting out the break times is harder and can hold the vehicle up longer than needed". (A transport operator from the United Kingdom)

"Ability to take all breaks in periods of no less than 15 minutes as long as there is compliance with 45 minutes in 4.5 hrs of driving and 30 minutes within 6 hrs of working time". (A transport operator from the United Kingdom)

51 An extended selection of relevant translated comments submitted by transport operators on this issue can be found in Annex B.1.

More balanced responses are, instead, received from drivers. In their case, responses to both the “No” and “Yes” question headings are equivalent with each a proportion of 36% of the total number of replies collected. Nearly one third of drivers (28%) say that the current rules on breaks are “Only to a certain extent” adequate to meet their specific operational and working needs.



Proportions calculated on the basis of a sample of N= 349 responses for transport operators and N= 441 responses for drivers

Figure 4-39: Transport operators’ and drivers’ evaluation of the current provisions on breaks

Box 4-13: Selection of translated illustrative comments provided by drivers relating to the provisions on breaks⁵²

“Possibility to make the rest time as follows: 45; 15+15+15; 15+30; 30+15”. (A driver from Lithuania)

“There should be no such breaks with the required (obligatory) time. It should be possible to decide what to do on the way (on the spot) depending on the situation”. (A driver from Lithuania)

“Rests between two shifts are too long, it would be useful to split breaks into 15 minutes”. (A driver from the Czech Republic)

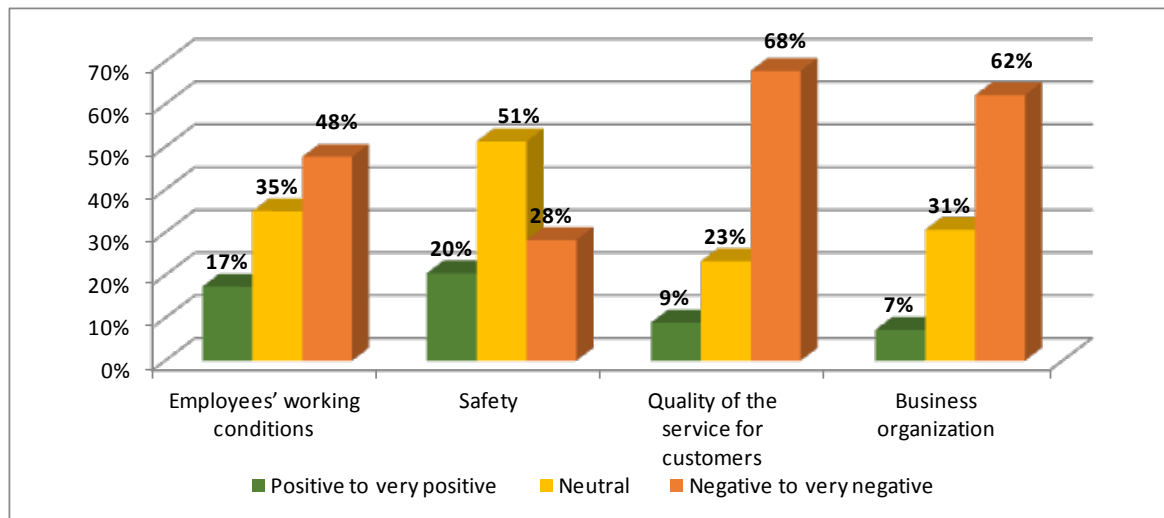
“There is time for a 15-minute break and the passengers must have food anyway, so in fact the break situation is solved automatically. It will be very positive if rests can be shared in 15 minutes periods” (A driver from Sweden)

“The “15 + 30” rule is too restrictive. It is sometimes better to take a 30 minute break before picking up passengers, with a 15 minute break en route to get them to their destination without having to waste their time whilst the current driver's break is completed”. (A driver from the United Kingdom)

“With passengers a break is often longer than 15 mins but maybe shorter than 45. Often we do not get to a full 4.30 drive limit but will have had several shorter breaks at suitable tourist attractions”. (A driver from the United Kingdom)

On breaks, passenger transport operators expressed criticism that touched upon all matters on which an assessment of the impacts produced by break requirements was requested (Figure 4-40). In the case of breaks, negative to very negative views are in fact not only stated with respect to the adverse effects on quality of services to customers (68% of all replies collected) and business organisation (62% of all responses submitted), but also on working conditions (48% of all responses elicited) and on safety (28% all replies collected).

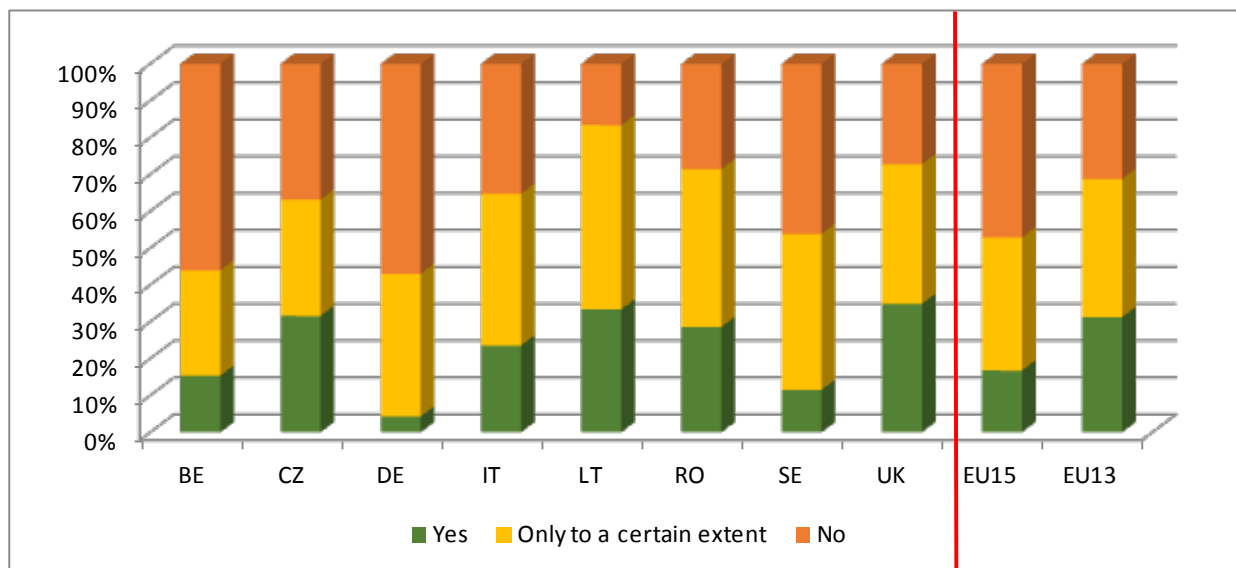
52 An extended selection of relevant translated comments submitted by drivers on this issue can be found in Annex B.2.



Proportions calculated on the basis of a sample of N= 346 responses on working conditions, N= 347 responses on safety, N=348 for quality of service to customers and N= 346 responses on business organisation elicited from transport operators

Figure 4-40: Transport operators' evaluation of the impact of break requirements

Looking at the distribution of responses by country, Germany, Belgium and Sweden are the Member States in which negative stated opinions largely prevail with respectively 57%, 56% and 46% of the total responses provided for each of these three countries. Mixed responses are conversely received from the other Member States targeted by the consultation (Figure 4-41).



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-41: Transport operators' evaluation of the current provisions on breaks. Distribution by country

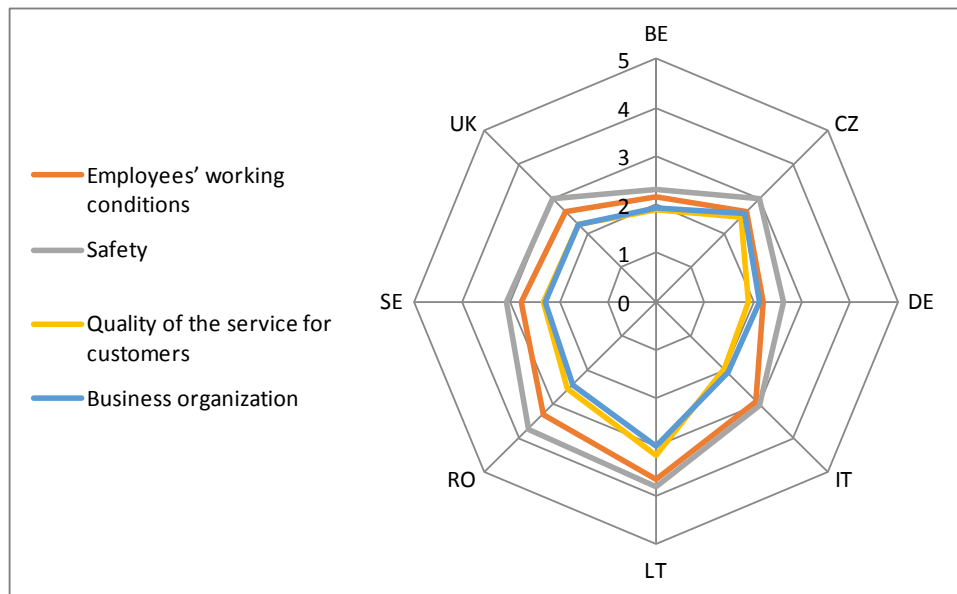
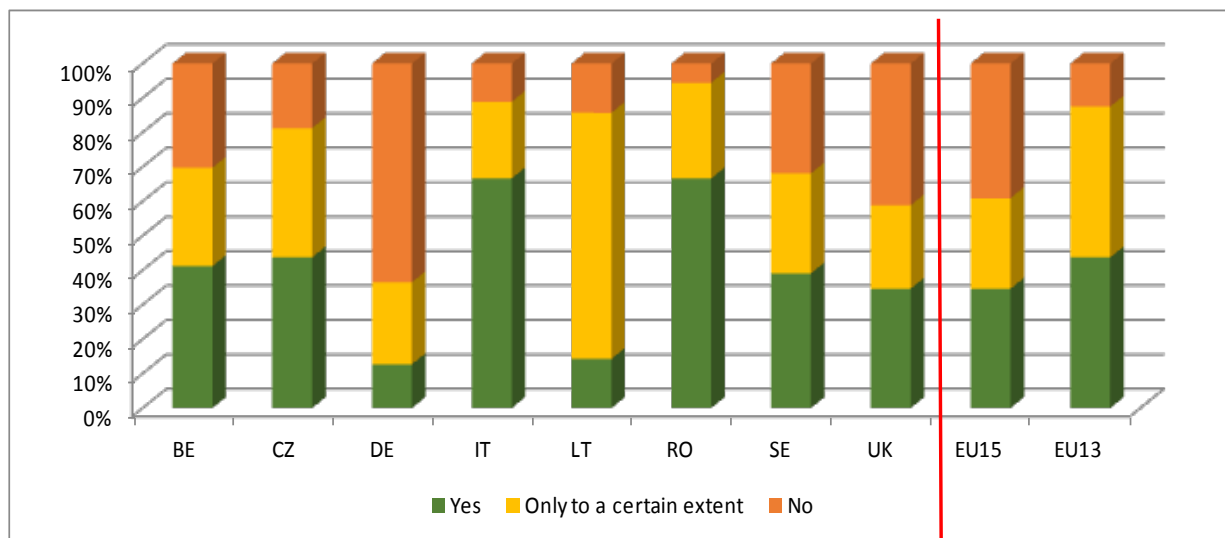


Figure 4-42: Detailed overview of transport operators' perceived impacts of current EU rules on breaks. Evaluation by targeted Member States (1: very low; 5 very high)

Analogously to the findings ascertained for the companies, when investigating the distribution of the replies under the different question headings it emerges that German drivers (63% of total drivers' responses collected for this country) are broadly in agreement with their employers in having a negative opinion of the adequacy of the current requirements for breaks. Among other results, it is found that compared to the requirements of previous Regulation (EEC) No 3820/85, a high level of appreciation is measured for Italian and Romanian drivers, with 67% each of positive stated opinions out of all replies collected for these two countries (Figure 4-43).



Proportions calculated on the basis of a sample of N= 432 responses for drivers

Figure 4-43: Drivers' evaluation of the current provisions on breaks. Distribution by country

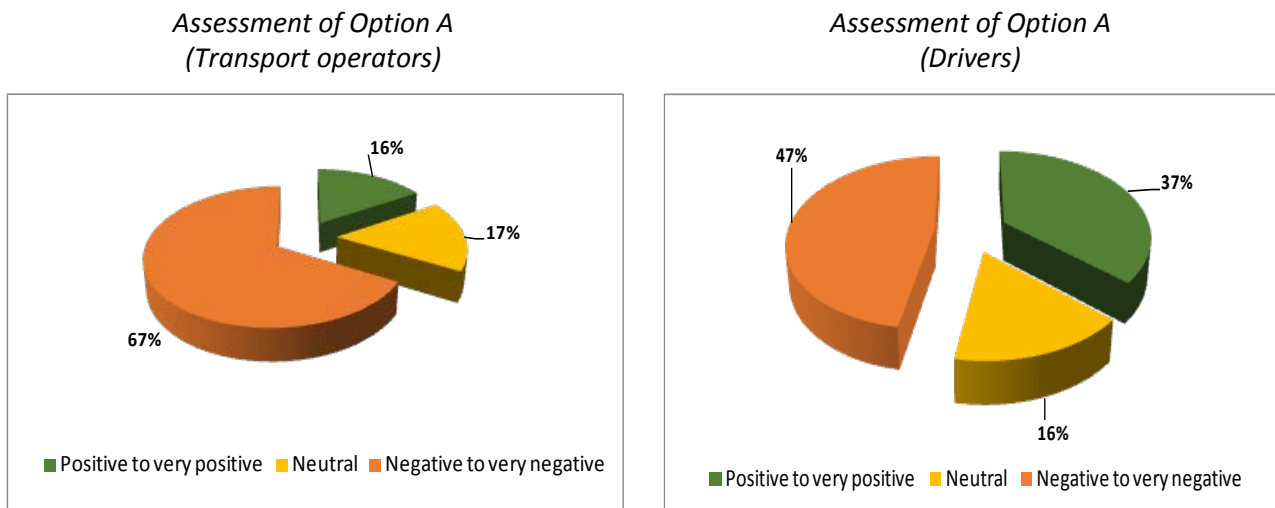
The consultation also asked passenger transport operators and drivers to state their views concerning possible options to optimise break requirements (Option A: no changes to the status quo against Option B: revision of the current legislative setting).

Box 4-14: Comparison between options to optimize break requirements

Option A: Keeping the requirements on breaks as they are currently laid down in Regulation (EC) No 561/2006.

Option B: Changing the current requirements on breaks by introducing the possibility for drivers to take at least 45 minutes’ break for every 4.5 hours of driving. This break can be taken as a whole or in 3 periods of at least 15 minutes each.

As illustrated in Figure 4-44 below, Option A does not receive support from the majority of responding operators (67%), while only a few respondents (16%) show support for the current rules. Also most drivers (47%) are not favour of keeping the break requirements as they are today, although for this group of respondents the margin of difference between those not supporting Option A and those declaring instead their favour for the current rules is smaller (+10%) if compared to that found for the passenger undertakings (+51%).



Proportions calculated on the basis of a sample of N= 333 responses for transport operators and N= 356 responses for drivers

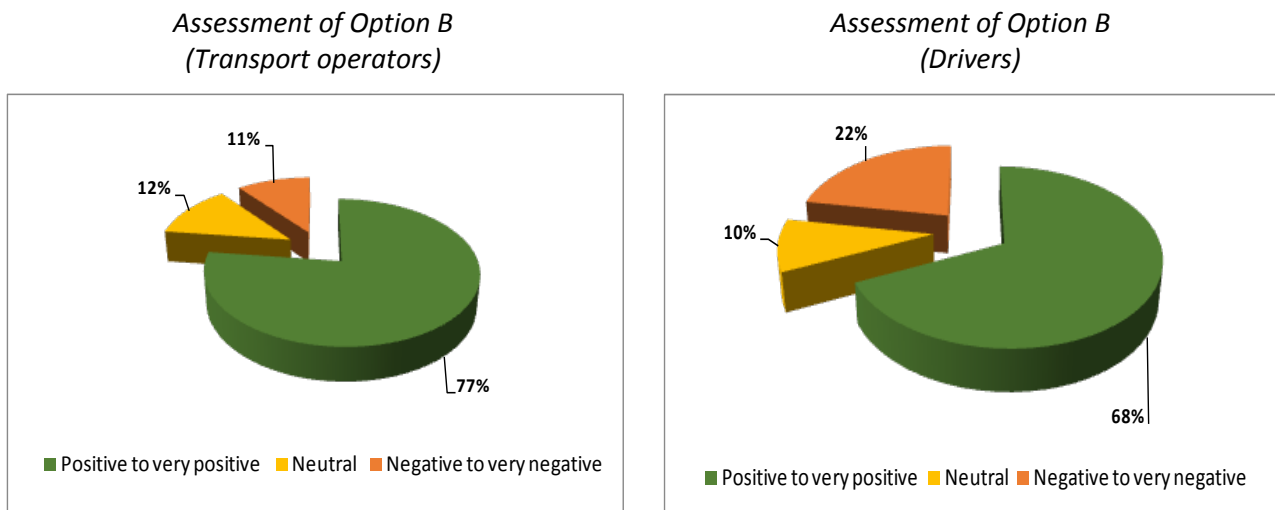
Figure 4-44: Assessment of the current provisions on breaks. Views from the transport operators and the drivers

In line with the considerations drawn above (Figure 4-45), 77% of the **passenger transport companies** support the need to change the current break requirements by introducing (Option B) the possibility for drivers to take at least 45 minutes’ break for every 4.5 hours of driving.

Views supplied by this group of respondents focus on the need to allow both more flexibility (e.g. inverting break periods: 30 minutes + 15 minutes instead of the opposite as set by the current rules) and a higher fractioning (e.g. three periods of 15 minutes each). Organising breaks in this manner would permit a better management of the service with benefits for the customers, as breaks would be organised in such a way as to be more tailored to passengers’ needs.

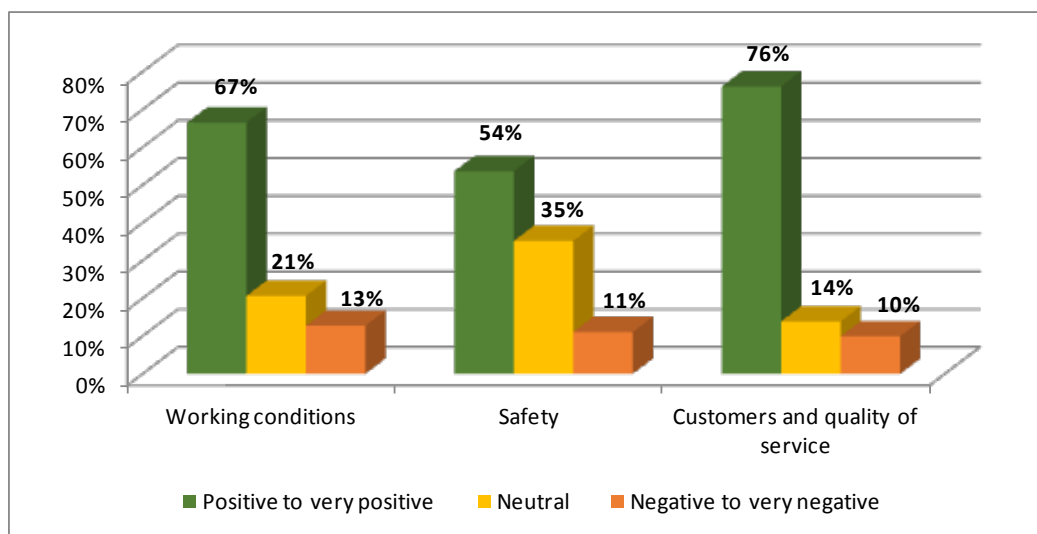
Drivers share a similar view by largely agreeing (68% of the total number of responses supplied) on the opportunity to revise the present regime. Statements made by these respondents clarified that the 15’+30’ rule is too restrictive as it is sometimes better to take a 30-minute break before picking up passengers, with a 15 minutes break en route to get them to their destination without having to waste their time whilst the current driver’s break is completed. According to some comments provided by drivers this was easier under the normative setting previous to Regulation (EC) No 561/2006. A higher fractioning (e.g. dividing the break period in up to three breaks of 15 minutes each) is also advocated.

Once more (Figure 4-46), improved quality of customer service as well as better working conditions are the main benefits drivers would expect from the application of a revised discipline on breaks.



Proportions calculated on the basis of a sample of N= 340 responses for transport operators and N= 374 responses for drivers

Figure 4-45: Need for updating current provisions on breaks. Views from the transport operators and the drivers



Proportions calculated on the basis of a sample of N= 353 responses on working conditions, N= 352 responses on safety and N= 352 responses on quality of customer service elicited from drivers

Figure 4-46: Expected impacts deriving from a new ruling of breaks. Views from the drivers

4.8 Thematic findings for double manning

KEY FINDINGS

- Answers from road passenger transport companies are almost evenly split between the two question headings of “Only to a certain extent” and “No”, with the latter in a slightly larger proportion. The negative judgment made by operators puts emphasis on inflexibility and unnecessary costs that they have to bear to comply with the requirements on double manning.
- On the contrary, the majority of drivers positively comment on the adequacy of the current requirements on double manning, although in a proportion that is not significantly higher if compared to negative or partially satisfied opinions.
- Largely, operators consider it appropriate to revise the current requirements on double manning and advocate the need to extend the duty period to 22 hours. This would allow companies to use second drivers more efficiently with a positive side-effect in terms of reduced risk of tiredness affecting the first driver.
- The same perspective is shared by most drivers who support such an extension which, in their views, would allow them to have a rest in a moving vehicle provided it has appropriate facilities for sleeping.

The last thematic findings were obtained for the requirements on double manning, for which an introduction was given in Table 2-1 in previous section 2.1.

On this issue (Figure 4-47), evaluation of the suitability of current provisions obtained from the **companies** are nearly evenly split between the two headings “Only to a certain extent” and “No”, with the latter slightly outnumbering with 46% of the total number of replies collected compared to 43%. Only 6% of the undertakings argue, in contrast, that these requirements are set today at an optimal level to meet the specific needs of road passenger transport operations, so as to ensure adequate safety and flexibility.

Box 4-15: Selection of translated illustrative comments provided by transport operators relating to the provisions on double manning⁵³

“Services with 2 drivers: in a truck you can easily drive 20 hours out of 21 hours duty time, in a coach you reach maximum 18 hours’ driving time out of 21 hours duty time”. (A transport operator from Belgium)

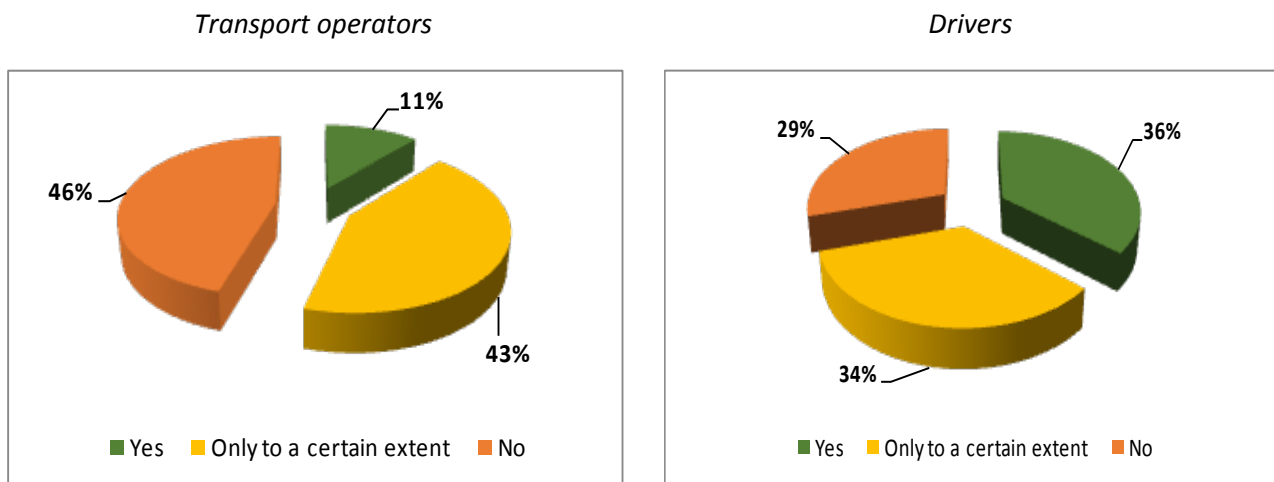
One of the two drivers having completed his duty period and being close to his domicile should have the possibility to disembark with his Digitach car, rather than having to stay on board of the vehicles sometimes even for a few hours before returning home. Unnecessary fatigue and wasted rest time”. (A driver from Belgium)

“The present rules do not enhance safety at all and need a radical overhaul to make them simpler and stricter. The present rules discourage swapping crew during the course of a journey which is normally a safer method than having the same crew throughout”. (A transport operator from the United Kingdom)

According to the operators, the requirements on double manning make it impractical to pick up a second driver from any point other than the start point as he/she still has to go back to the start point. This causes inflexibility and unnecessary costs and is also detrimental to specific kinds of services such as overseas tours.

⁵³ An extended selection of relevant translated comments submitted by transport operators on this issue can be found in Annex B.1.

As diagrammatically presented in Figure 4-47 below, the adequacy of the current requirements on double manning compared to the prior normative framework set by Regulation (EEC) No 3820/85 is, instead, supported by most drivers (36%), for which an additional one third of respondents provided a moderate satisfaction with 34% of responses to the question heading “Only to a certain extent”. Finally, it is important, however, to point out that the remaining one third of responding drivers (30%) report a negative judgment about the adequacy of the current provisions on double manning.



Proportions calculated on the basis of a sample of N= 349 responses for transport operators and N= 441 responses for drivers

Figure 4-47: Transport operators’ and drivers evaluation of the current provisions on double manning

Box 4-16: Selection of translated illustrative comments provided by drivers relating to the provisions on double manning⁵⁴

“Driving in a crew to start in case of international transports by regular services to be performed only from the border of the country of departure and until de border, to be possible that the driving to be performed by a single driver”. (A driver from Romania)

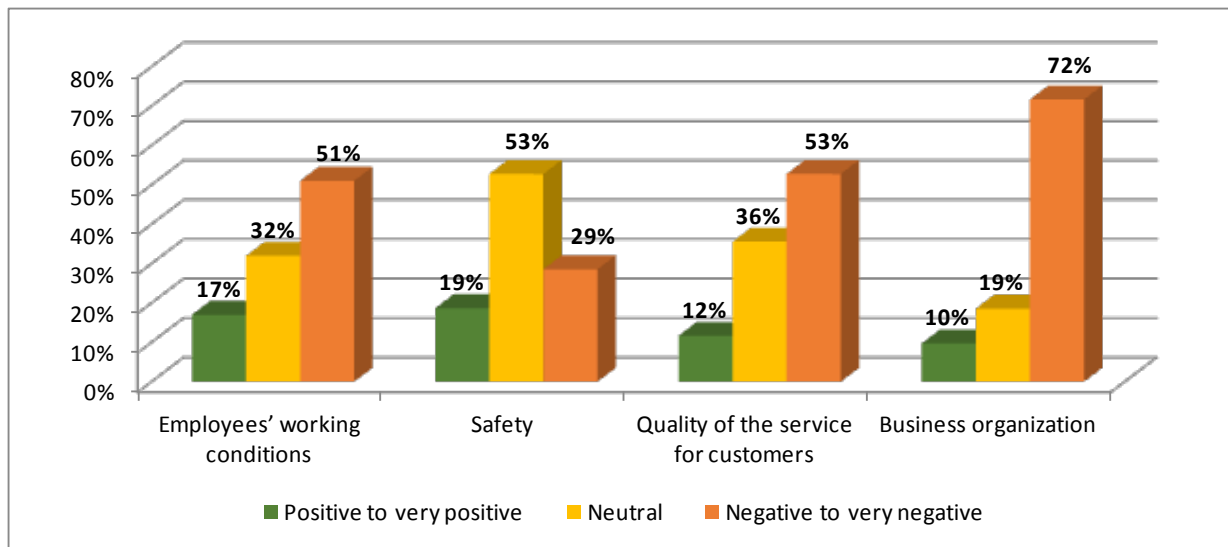
“Why should a driver drive alone only the first hour after his service starts? My domicile is situated approximately two hours far from my place of work and some journeys are operated in its surroundings. Why should I remain on board of the vehicle and losing two hours of rest?”. (A driver from Germany)

“If Driver 2 is allowed to embark no later than 1 hour after start of the journey, Driver 2 should also be allowed to disembark at the earliest 1 hour before the end of the journey. 10-hour daily rest”. (A driver from Sweden)

“This would provide useful flexibility as the first and last hours of duty usually involve “positioning” journeys with no passengers on-board”. (A driver from the United Kingdom)

Among those companies that do not appreciate the current provisions on double manning (Figure 4-48) there is acknowledgment that these rules have in particular negatively impacted on their business organisation (72% of the total replies collected for the question heading “Negative to very negative”). Remarkably, impacts are also considered to be adverse on the quality of the service offered to the customers (53% of the total number of responses elicited) and on employees’ working conditions (51% of all replies supplied) as well.

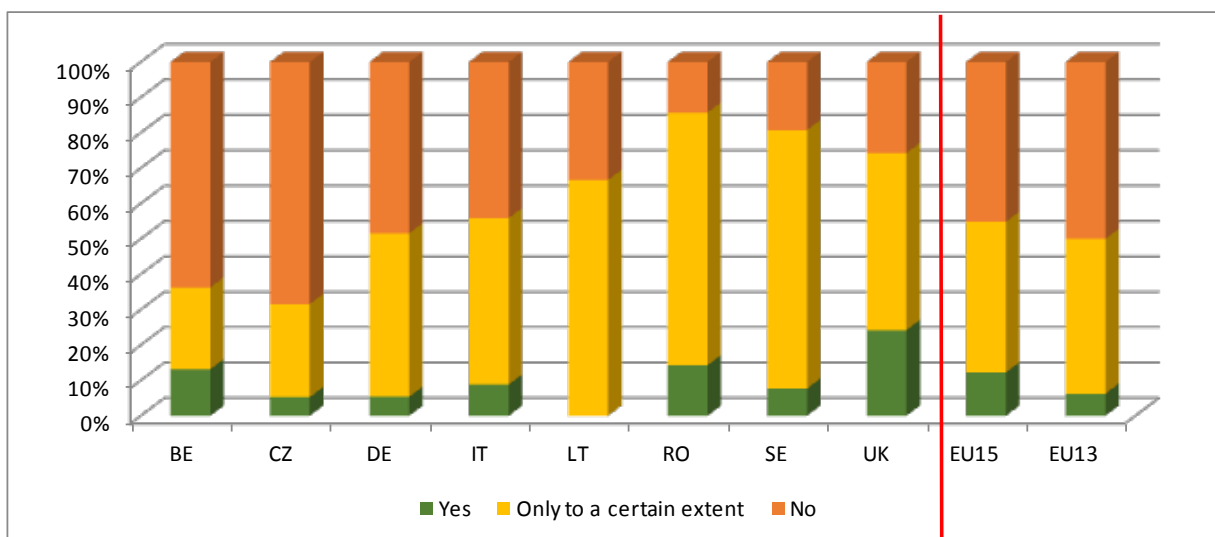
54 An extended selection of relevant translated comments submitted by drivers on this issue can be found in Annex B.2.



Proportions calculated on the basis of a sample of N= 341 responses on working conditions, N= 343 responses on safety, N=343 for quality of the service to customers and N= 339 responses on business organisation elicited from transport operators

Figure 4-48: Transport operators' evaluation of the impact of double manning requirements

Among the target Member States, negative opinions of companies were reported especially by Czech Republic and Belgium, where they account for respectively 69% and 64% of all responses supplied for these two countries (Figure 4-49). On balance, across the distinct Member States targeted by the survey, consultation respondents state a partial appreciation of the current rules on double manning with on average 51% of all responses provided. On average, support for the current rules is received from only 10% of the responding companies.



Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 4-49: Transport operators' evaluation of the current provisions on double manning

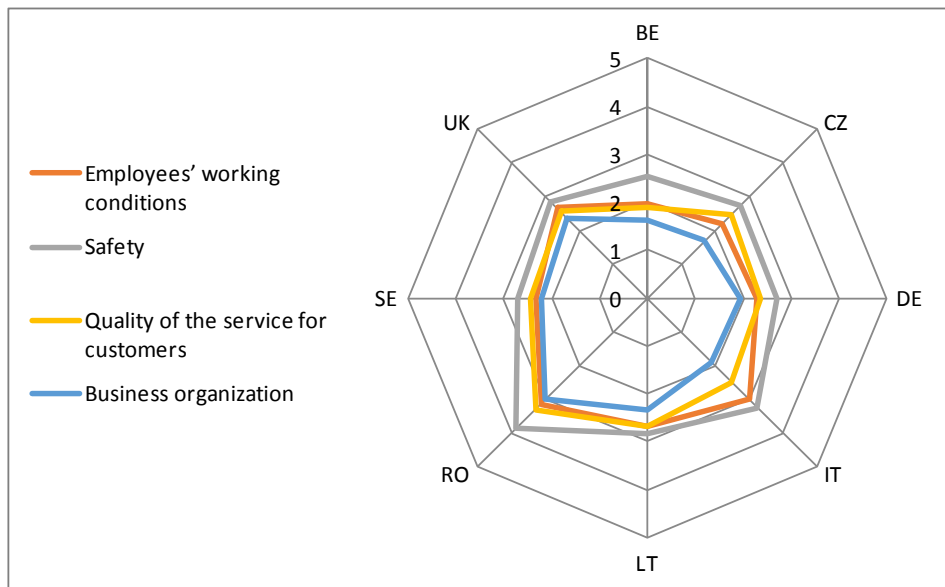
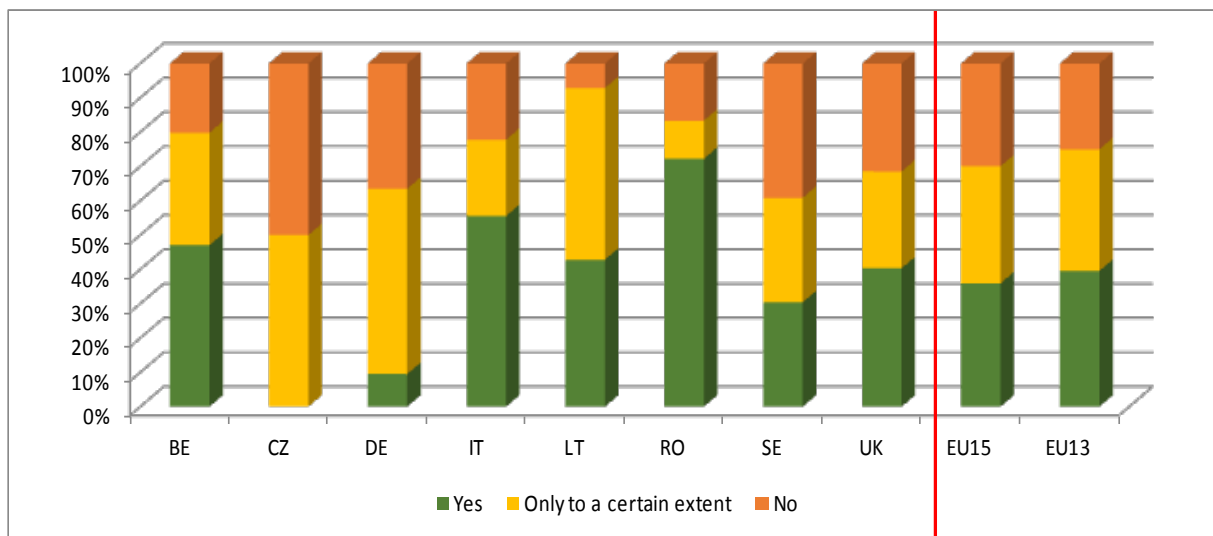


Figure 4-49: Detailed overview of transport operators' perceived impacts of current EU rules on double manning. Evaluation by targeted Member States (1: very low; 5 very high)

Unlike passenger transport operators, drivers (Figure 4-50) offer a more positive perspective when observing the distribution of responses across the Member States targeted by the survey. On the whole, positive stated views account on average for 37% of all replies collected with the highest proportion being found for Romania (72%). On the other hand, most criticism received from drivers is observed in the Czech Republic and Sweden (respectively 50% and 39% of all responses gathered for these two countries).



Proportions calculated on the basis of a sample of N= 432 responses for drivers

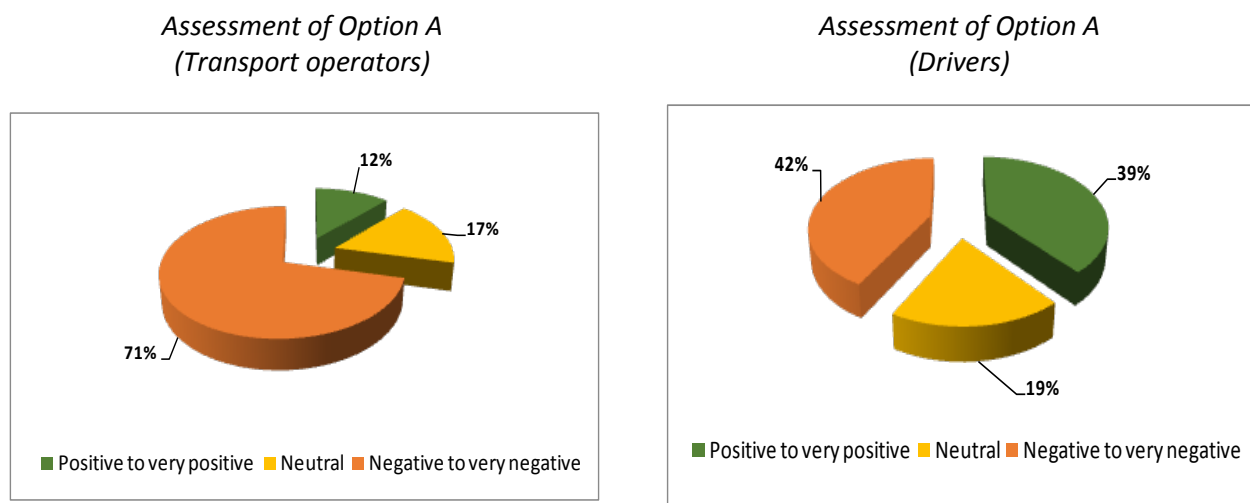
Figure 4-50: Drivers' evaluation of the current provisions on double manning. Distribution by country

Box 4-17: Comparison between options to optimize double manning

Option A: Keeping the requirements on double manning as they are currently laid down in Regulation (EC) No 561/2006.

Option B: Changing the current requirements on double manning by introducing the possibility that a double-manned vehicle can be single-manned for at least the first and (preferably) the last 4.5-hour driving period of the journey.

Most responding companies (71%) and drivers (42%) do not support the option of keeping the present rules governing double manning unchanged (Figure 4-51).



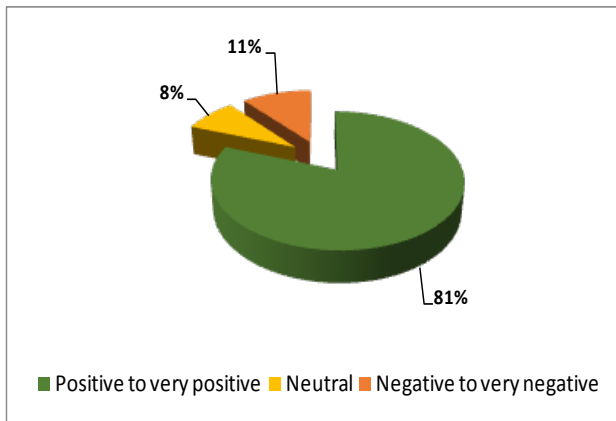
Proportions calculated on the basis of a sample of N= 326 responses for transport operators and N= 345 responses for drivers

Figure 4-51: Assessment of the current provisions on double manning. Views from the transport operators and the drivers

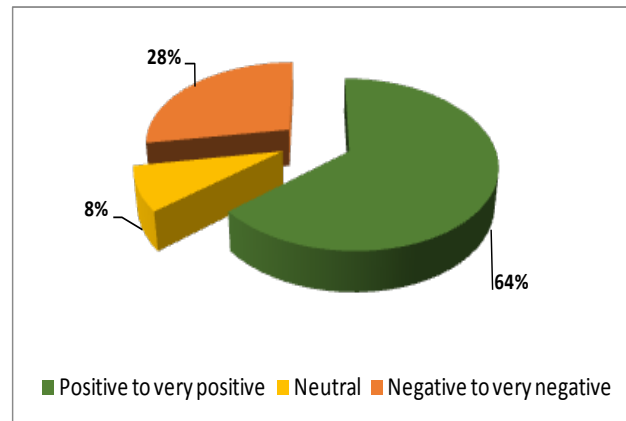
Largely, road passenger transport **companies** (81%) consider it appropriate to revise the current requirements on double manning and are in broad agreement with the proposal (Option B) of introducing the possibility that a double-manned vehicle can be single-manned for at least the first and (preferably) the last 4.5-hour driving period of the journey (Figure 4-52). Operators argue that a more flexible approach along with the extension of the 21-hour duty period to 22 hours would allow to use second drivers more efficiently with a positive side-effect in terms of reduced risk of tiredness affecting the first driver.

On this matter, comments collected from drivers put forth the opportunity to allow replacement of the drivers even during the journey, hence cancelling the requirement of double manning at least for 1-day journeys or for the first and last day of travel in case of multiple day trips. Also, drivers argue that duty time should be extended to 22 hours, which would allow them to have a rest in a moving vehicle provided it has appropriate facilities for sleeping. Equally, the majority of drivers (64%) value the opportunity of revising the current regime applicable to double manning, with benefits largely expected in all areas (Figure 4-53).

Assessment of Option B
(Transport operators)

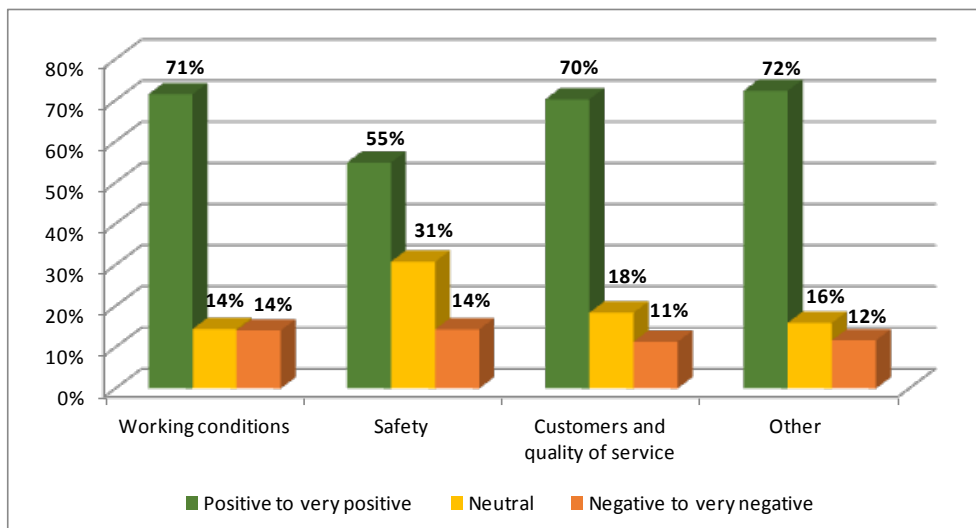


Assessment of Option B
(Drivers)



Proportions calculated on the basis of a sample of N= 338 responses for transport operators and N= 354 responses for drivers

Figure 4-52: Need for updating current provisions on double manning. Views from the transport operators and the drivers



Proportions calculated on the basis of a sample of N= 326 responses on working conditions, N= 328 responses on safety and N= 326 responses on quality of customer service elicited from drivers

Figure 4-53: Expected impacts deriving from a new ruling of double manning. Views from the drivers

4.9 Findings on the fatigue issue

KEY FINDINGS

- Driver fatigue and its significance for road safety has been investigated by research since the sixties and today there is a widespread consensus that fatigue has a responsibility in road safety, by affecting driver performance in the short and in the long term.
- Fatigue is in particular a major issue for the commercial transport industry and a balance is not easily achievable between work practices and operational needs, on the one hand, and the need for drivers to take adequate recovery sleep, on the other hand.
- Two fatigue-related scenarios have been developed with respect to the 12-day derogation and the requirements on weekly rest periods. For these two items, and given risk levels that are equivalent across all options scenarios tested, simulations have either yielded a lower average fatigue level (as in the cases of the 12-day derogation and of the reduced weekly rests) or an average fatigue level that is not significantly higher than the one reported for the current EU requirements (as in the case of the regular weekly rest periods).
- To this end, the bearings of this reasoning suggest that the higher flexibility in arranging driving and resting patterns that would result from the proposed IRU's amendment might not be detrimental to social conditions, while it might allow increased operational efficiency of the industry.

4.9.1 Concept of driver fatigue and significance for road safety

Driver fatigue represents a serious problem for drivers in the commercial transport industry. Within this sector, the core issue is the continuous need to balance, on the one hand, working time (including driving hours) with, on the other hand, the opportunity offered for resting and recovering from work so as to enable drivers to be unimpaired by fatigue and loss of sleep. Due to its nature, transport industry work practices typically include long working hours, prolonged night work, irregular working hours and meeting demand any time of the day and night. The risks associated with fatigue (at the different stages of acute fatigue⁵⁵ and chronic fatigue⁵⁶) are consequently greater unless adequate recovery sleep is obtained by commercial drivers.

Such balance is, however, not always easily achievable. Notably, one might observe a misalignment between the normative pattern of work and driving of commercial drivers currently in force in the EU (which sets limits on the amount of time that they can drive without a break, the number of hours they can drive in a day, the amount of time they can be on duty and the minimum daily and weekly rest periods) and the organizational needs of transport undertakings that require flexible and on time transportation of goods and passengers.

Driving and working hours regulations are intended to ensure that drivers manage their fatigue in a trip, but there is concern that the specifics of the regulation may not be ideal, and whether this approach to fatigue management is the most effective.

Research has been investigating since the sixties the breadth of the impact that fatigue may have on driver performance (Brown *et al.*, 1966) and, consequently, the potential role it can play as a contributory factor to road collisions (Mackie and Miller, 1978; Duff, 1985; Brown, 1994). Similar to fatigue is the notion of

55 When acute, driver fatigue can arise because of driving tasks and the duration of a trip, so recognising early signs of fatigue is important to preventing further impairment and increasing fatigue.

56 With chronic fatigue driver drowsiness and sleepiness result in serious driver impairment, so preventing chronic fatigue means stopping driving until the fatigue has passed.

“sleepiness” (which also includes the terms “drowsiness” and “tiredness”) and the two terms are often considered interchangeable. However, in the academic literature, fatigue and sleepiness are looked at as different concepts and for the purposes of this report their definitions will be adopted as follows (Jackson *et al.*, 2011).

“Fatigue” can be defined as a “gradual and cumulative process associated with a loss of efficiency, and a disinclination for any kind of effort” (Grandjean, 1979). Accordingly, fatigue increases as time-on-task progresses which is the case, for example, of a period of driving. Symptoms of fatigue include impaired performance (loss of attentiveness, impaired judgment, poor performance on skilled control tasks and greater probability of falling asleep) and subjective feelings of drowsiness or tiredness. Contributors to fatigue embrace long periods awake, poor or inappropriate quality of sleep, inadequate rest periods, sustained mental or physical efforts and, finally, disruption of the circadian rhythm⁵⁷.

Conversely, “sleepiness” entails all those signals that pre-alert the likelihood of falling asleep and can be defined as a difficulty in remaining awake (Dement and Carskadon, 1982; Åkerstedt and Folkard, 1995; Dijk and Czeisler, 1994). In this case, sleepiness is basically given by how much sleep a person has had and how long the rest has lasted.

Today, there is a widespread understanding and agreement that fatigue has a responsibility in road safety. Fatigue does not only affect driver performance in the long term but also, in the short term, the amount of effort required of drivers to maintain performance on the driving task (Williamson *et al.*, 1995). In particular, it is known that four main factors (time of the day, duration of the time on task, type of tasks performed and sleep loss) are influential in generating and, especially when interacting, increasing fatigue levels.

All these factors should be considered in their interlinking when evaluating the best methods for mitigating the concerns due to fatigue. It holds true that any strategies for combating fatigue will only reduce, but not avoid it completely from the experience of driving. For these reasons it is essential that when choosing fatigue-reduction strategies, it is of paramount importance to consider the setting in which the strategies are likely to be used.

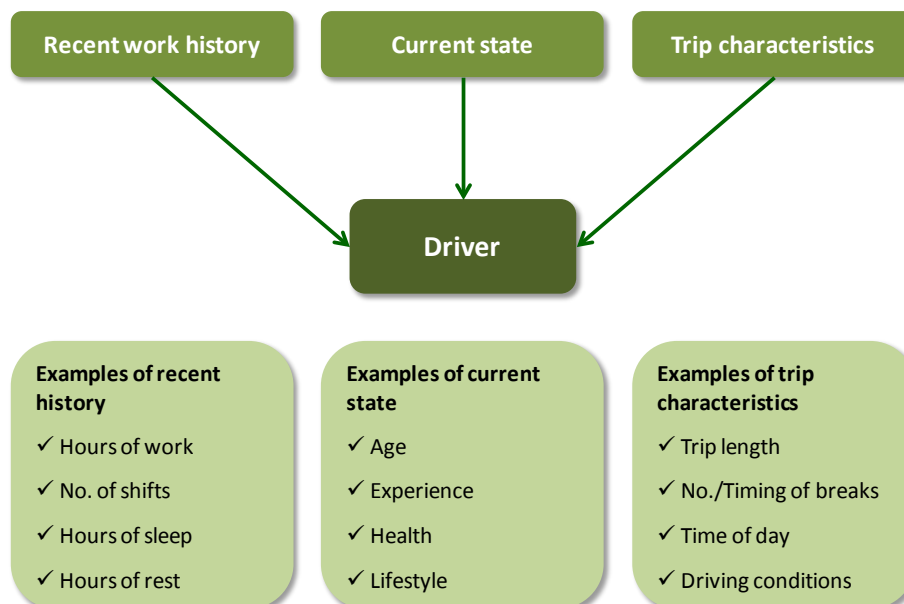


Figure 4-54: Possible reasons for fatigue while driving

57 A circadian rhythm is any biological process that displays an endogenous, entrainable oscillation of about 24 hours.

Notwithstanding the manifest implications that fatigue brings about in terms of driving performance of professional drivers and, therefore, in terms of road safety, the scale of the fatigue-related road accident problem yet remains uncertain and a quantification of its direct impacts on road safety is likely to be misleading. Equally important, research conducted so far (e.g. Brown, 1994; Horne and Reyner, 1995; Pack et al., 1995; Mahowald, 2000) claims that the estimates of the proportion of accidents in which driver fatigue was a causal factor is conservative, which means that available data underestimate the extent of the problem.

One of the key difficulties with analysing accident databases for fatigue is that there is poor and limited data availability (Gander and James, 1998; Dobbie, 2002). This is primarily because a standardized methodology for recording evidence about driver fatigue and for classifying accidents (including their scale of severity) does not exist. Accident databases are typically fed by police reports which do not always consider fatigue as a possible cause of collisions (Dingus *et al.*, 2006; Gander and James, 1998). This results in important differences among investigating police officers not only in terms of their understanding of the fatigue issue, but also in proving driver fatigue as a cause of road collisions (Robertson *et al.*, 2009).

A final reason why the driver fatigue problem is underestimated is that accident reporting tends to consider fatigue only in those crashes where it is clear that a driver has fallen asleep, whereas a higher proportion of collisions occur when drivers are inattentive or make mistakes due to fatigue (Dinges, 1995). Furthermore, collisions are often attributed to driver inattention where fatigue is the main cause (Stutts *et al.*, 1999).

Given all the considerations drawn above, statistical evidence on fatigue level largely vary with official statistics and research studies report dissimilar estimates of the relative frequency of fatigue-related road accidents.

As documented by Aworemi *et al.* (2010), the most comprehensive research undertaken into the effects of driver fatigue on road safety has been carried out in the USA, where a number of studies by the National Transportation Safety Board (NTSB) have highlighted the importance of sleepiness as a major factor in accidents involving heavy vehicles (NTSB, 1990 and 1995; Wang and Knipling, 1994). More specifically, the NTSB concluded that 52% of 107 one-vehicle accidents involving heavy trucks were fatigue-related. In a more recent report published by the NTSB in 1999 (NTSB, 1999), summarising the US Department of Transport's investigations into fatigue in the 1990s, the scale of fatigue-related fatal accidents was estimated to be around 30%, which originated an estimated 1,550 deaths, 71,000 injuries, and USD 12.5 billion in monetary losses (NCSDR/NHTSA Expert Panel on Driver Fatigue and Sleepiness, 1998).

The relationship between driver fatigue and road safety is an issue that has been widely researched in Australia as well, where estimates suggest fatigue is a factor in up to 30% of fatal crashes and 15% of serious injury crashes (ATC, 2011).

Conversely, in Europe evidence is less extensive and in many circumstances involves retrospective accounts of fatigue involvement which are likely to underestimate its impact (Aworemi *et al.*, 2010). Evidence accumulated by the EC suggests that fatigue is a contributory factor in a large proportion of road crashes (range 10%-20%) and a strong relationship between acute fatigue (based on loss of sleep the night before) and crash involvement has been identified (Connor *et al.*, 2001).

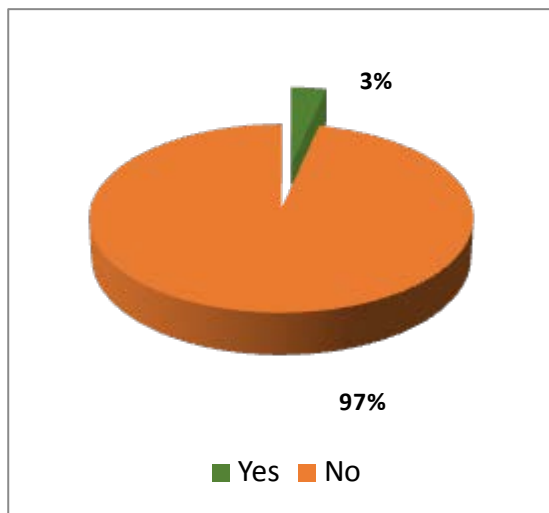
According to the eSafety Forum, there may be over 7,000 annual fatalities due to fatigue-related accidents in the EU with an associated economic cost that may be estimated at between € 10 and € 24 billion annually. As reported by the British Royal Society for the Prevention of Accidents (RoSPA) (2011), fatigue-related accidents are approximately 50% more likely to result in death or serious injury as they tend to be high speed impacts because a driver who has fallen asleep cannot brake or swerve to avoid or reduce the impact (RoSPA, 2011).

In the United Kingdom, an analysis of national road casualty data (Flatley, *et al.*, 2004) concluded that 17% of road collisions occurring on major trunk roads which resulted in injury or death were sleep-related (3%-30% depending on the road studied). Research conducted by the UK Department of Transport shows a

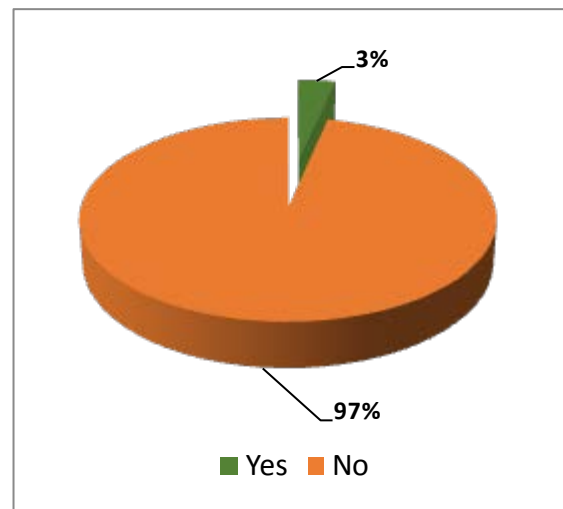
range of estimates, from 10% of all collisions (Maycock, 1995) to 17% of crashes on motorways and major trunk roads resulting in sleep-related injury or death (Flatley *et al.*, 2004).

A Dutch survey found that 7% of HGV drivers attributed their accident involvement to having fallen asleep at the wheel (Van Ouwerkerk, 1987). A more recent French study showed that 10.5% of HGV drivers stated that fatigue had contributed to their road crash involvement (Monfrin *et al.*, 1996), while research conducted by the Swedish Transport Institute VTI found that 19% of bus drivers had over the past decade been involved in an incident due to fatigue and 7% of them had been involved in an accident caused by their own fatigue (Anund *et al.*, 2014).

Fatigue-related accidents reported by companies



Fatigue-related accidents reported by drivers



Proportions calculated on the basis of a sample of N= 349 responses elicited from transport operators and N= 441 responses elicited from drivers

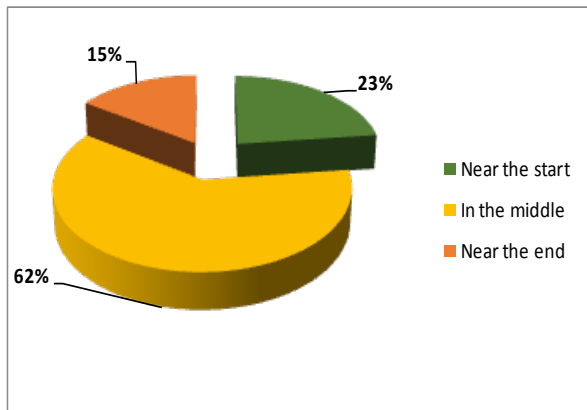
Figure 4-55: Percentage of fatigue-related accidents reported by transport operators and drivers in responses to the consultation process

Lastly, regarding the time of day in which fatigue-related road accidents are more likely to occur, most of the research that has vetted this accident pattern has been completed before the year 2000. Nevertheless, it is generally accepted that the main findings are still valid today, which speak about a greater incidence of fatigue-related accidents in the early hours of the morning (between 2h and 6h) and, though to a lesser extent, in the mid-afternoon (between 15h and 16h) (Brown, 1994; Pack *et al.*, 1995; Horne and Reyner, 1995; Maycock, 1995; Eskandarian *et al.*, 2007).

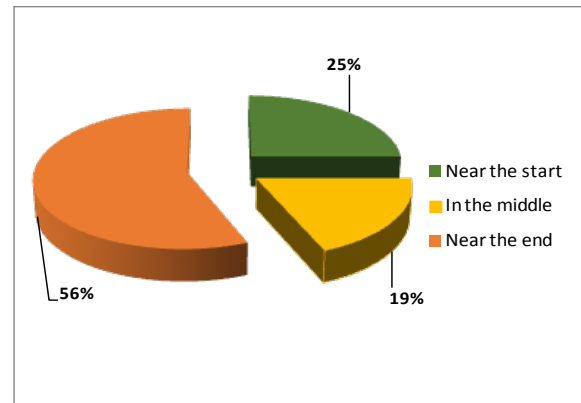
Sleep-related accident peaks during these times have been found in the United Kingdom (Horne and Reyner, 1995), USA (Pack *et al.*, 1995), Finland (Summala and Mikkola, 1994), Sweden (Kecklund and Åkerstedt, 1993) and France (Philip *et al.*, 1996). In particular, Horne and Reyner (2001) suggest that the effect produced by fatigue during this time of the day is stronger due to circadian rhythm and that this time-of-day effect is a more consistent predictor of fatigue-related accidents than duration of driving (time-on-task). On this point, on the other hand, Brown (1994) argues that time-on-task has a significantly higher effect when driving periods exceed 12 hours.

Evidence collected through the survey suggests (Figure 4-56), conversely, that most of the fatigue-related accidents have been reported as occurring in the middle of the day (transport operators) or near the end of the day (drivers).

Fatigue-related accidents reported by companies



Fatigue-related accidents reported by drivers



Proportions calculated on the basis of a sample of N=13 responses elicited from transport operators and N= 16 responses elicited from drivers

Figure 4-56: Timing of occurrence of fatigue-related accidents reported by transport operators and drivers in responses to the consultation process

4.9.2 Typical scenarios around the fatigue indicator

Given the preliminary considerations drawn in the preceding Section 4.9.1, the study has further developed the analysis of the fatigue and risk index for the two scenarios relating to the 12-day derogation and the requirements on weekly rest. Details on the parameters entered and of the results obtained for these two scenarios can be found in Annex C.

This exercise has been carried out by running simulations of different scenarios where the work and shift patterns meeting the requirements set by Regulation (EC) No 561/2006 have been compared with the options described in previous Section 4 of this study and relating to the possible changes that might be introduced to amend the current regulatory setting on driving times and rest periods for the passenger transport sector. In this respect, it is important to point out that the lower the value scored by the option put under scrutiny, the lower is the fatigue and a risk level for the drivers.

The comparison has been rolled out by making use of the Fatigue and Risk Index (FRI) that was designed by the UK Health and Safety Executive (HSE) primarily for comparing different shift schedules as well as for identifying any particular shift, within a given schedule, which may be of concern. Box 4-1 offers an interpretation of the FRI fatigue and risk scores, while Table 4-2 summarises the standard assumptions that have been adopted to run the simulation of the different FRI scenarios.

Box 4-18: Interpretation of FRI fatigue and risk scores

Fatigue scores from 0 to 100 represent the average probability expressed as a percentage of high levels of sleepiness. For example, a score of 50 on the Fatigue Index represents a 50% chance of employees achieving a Karolinska Sleepiness Score (KSS) of 8 or 9. The KSS is a nine-point scale ranging from one (extremely alert) to nine (extremely sleepy – fighting sleep).

A **risk** score of 1 is based on the average level of risk of accident/error attained in studies on people working 12-hour shifts on a 2-day, 2-night, 4-rest day schedule in the rail sector. Consequently, a risk score of 2 could be interpreted as a doubling of risk on that particular shift schedule.

Source: HSE website⁵⁸⁾

58 <http://www.hse.gov.uk/research/rrhtm/rr446.htm>

Table 4-2: Standard assumptions to run the FRI

STANDARD ASSUMPTIONS	
Daily working reference time	From 7h to 19h
Daily resting reference time	From 19h to 7h
The workload and/or work pace of the job is typically:	Moderately undemanding, some spare capacity.
The job typically requires continuous attention:	Some of the time
How frequently are rest breaks typically provided OR taken?	3h
What is the typical average length of these breaks that are provided or taken?	2h
What is typically the longest period of continuous work before a break?	4h 30m
What is typically the length of the break taken after this longest period of continuous work?	1h
What is the typical commuting time of employees to OR from work?	20m

Fatigue and risk scenarios for the 12-day derogation

The first scenario involves the calculation of the fatigue and risk index involving services operated under the 12-day derogation rule. Three different options have been analysed:

- Current requirements *as per* Article 8(6a) of Regulation (EC) No 561/2006 as amended by Regulation (EC) 1073/2009.
- Proposal for an amended Article 8(6a) as presented by the European Parliament in 2012.
- Proposal for an amended Article 8(6a) as suggested by the IRU.

The results are displayed diagrammatically in Figure 4-57 below.

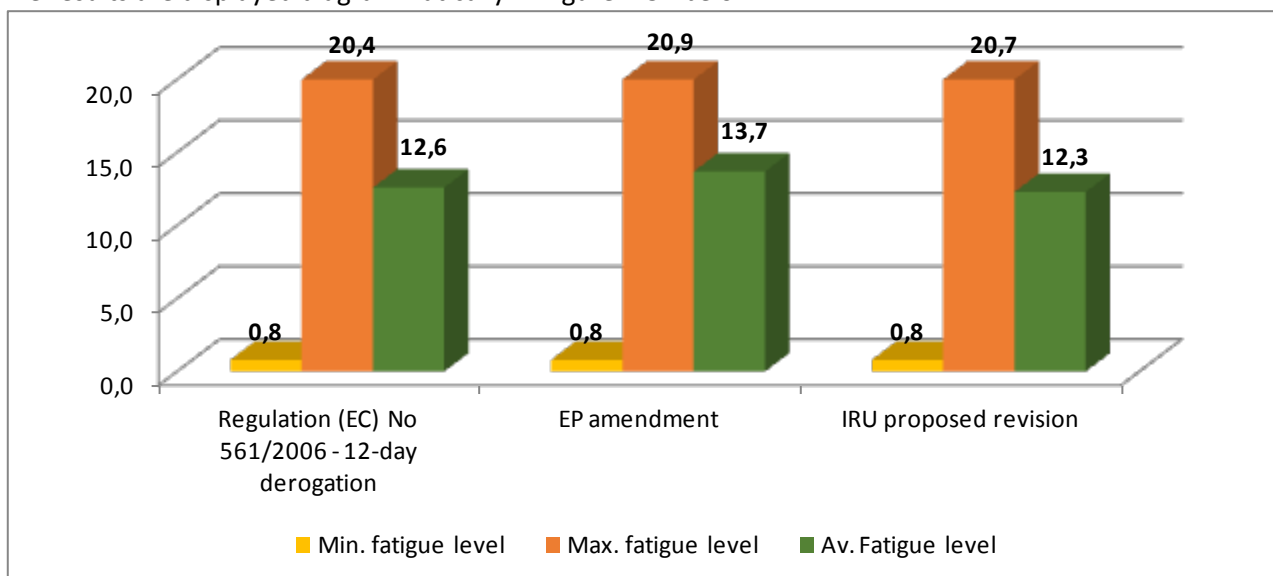


Figure 4-57: Summary of Fatigue Index results analysed for working patterns under the requirements for the 12-day derogation

Source: CPT UK (2015)⁵⁹

59 CPT UK (2015) Information provided by email.

On the 12-day derogation, Article 8(6a) of Regulation (EC) No 561/2006 requires that after the extended working period, the driver shall take together two regular rest periods (i.e. 90 hours) or one regular weekly rest (minimum 45 hours) period and one weekly reduced rest period (not less than 24 hours). If a reduced rest is taken, the reduction in rest must be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the derogation period. Specifically, the simulation has considered this second resting scenario and with a total schedule length of 55 days, out of which 45 were considered on duty (i.e. according to the formula “12 days on, 3 days off, 12 days on, 4 days off”).

The application of current requirements laid down in Regulation (EC) No 561/2006 results in an average fatigue index of **12.6** with minimum and maximum fatigue values being calculated at 0.8 and 20.4.

The same number of days on duty (45) has also been considered to evaluate the fatigue index of a potentially amended Article 8(6a) following the proposal presented in 2012 by the European Parliament which would have allowed drivers to postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that they take one regular weekly rest period after the use of the derogation and that a total weekly rest period of 140 hours is observed within a four-week period (i.e. according to the formula “12 days on, 2 days off, 12 days on, 3 days off”). In this case, the average fatigue index scores a worse value (**13.7**) than those reported for Regulation (EC) No 561/2006 and with minimum and maximum fatigue values calculated at 0.8 and 20.9.

Ultimately, the simulation has involved the calculation of the fatigue index on the basis of the proposal put forward by the IRU, which would foresee restoring the requirements laid down in the previous Regulation (EEC) 3820/85 which allowed drivers to postpone the weekly rest until the end of the 12th driving period and add it to the second week’s weekly rest period (i.e. according to the formulae “12 days on, 4 days off”). Also for simulating this option a total number of 45 days on duty were considered. With this option, the average fatigue index shows a lower value (**12.3**) not only compared to the value reported for Regulation (EC) No 561/2006 (12.6) but also compared to the value calculated for the European Parliament’s proposal for amendment (13.7). Minimum and maximum fatigue levels were, finally, calculated at 0.8 and 20.7.

No difference was, conversely, found across the three scenarios for the minimum, maximum and average risk indexes which all level off at the same values calculated at respectively 0.8, 1.3 and 1.1 as shown in Figure 4-58.

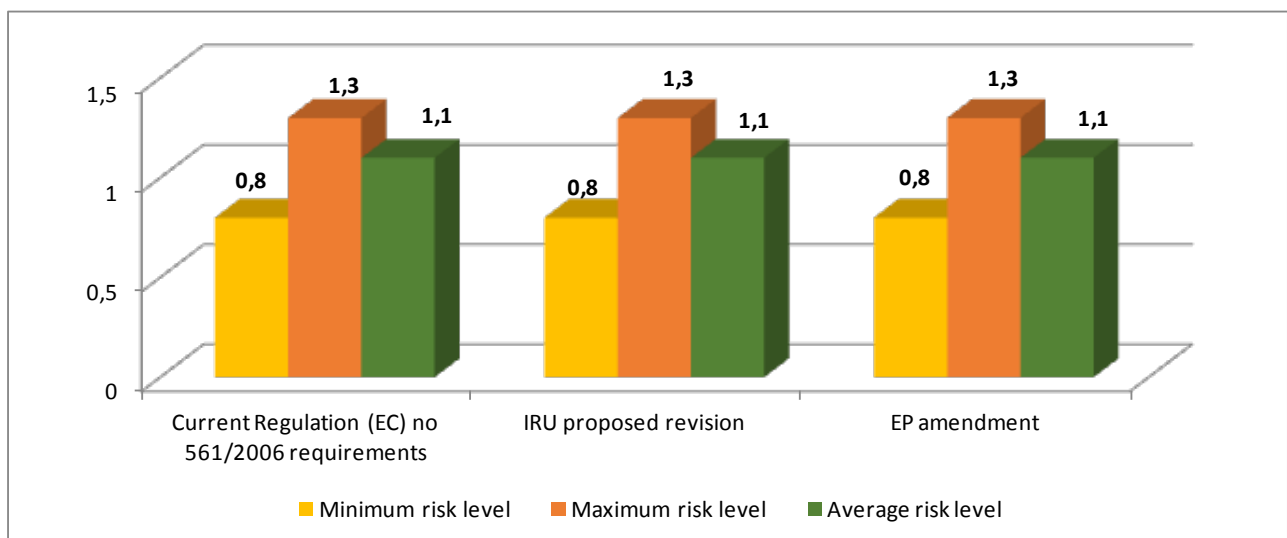


Figure 4-58: Summary of Risk Index results analysed for working patterns under the 12-day derogation

Source: CPT UK (2015)⁶⁰

60 See *supra* note 59.

In conclusion, the evidence produced by the FRI seems to suggest that, with a lower average fatigue index associated with an equivalent average risk index, reinstating the 12-day derogation in the form it had with previous Regulation (EEC) No 3820/85 might be more beneficial in terms of levels of driver fatigue compared to the current requirement set by Regulation (EC) No 561/2006.

Fatigue and risk scenarios for the weekly rest periods

The second scenario for which fatigue and risk levels have been calculated involves the requirement currently governing the weekly rest periods. For this scenario, two working patterns have been considered with respectively a regular 7am to 5pm shift and a regular 7am start to a 7pm finish. All estimates consider a 13-week reference period.

Regulation (EC) No 561/2006 states that a driver must start a weekly rest period no later than at the end of six consecutive 24-hour periods from the end of the last weekly rest period. Alternatively, a driver can take a reduced weekly rest period of a minimum of 24 consecutive hours. If a reduction is taken, it must be compensated for by an equivalent period of rest taken in one block before the end of the third week following the week in question.

As the simulation has revealed (Figure 4-59), for a working pattern with a regular 7am to 5 pm shift present rules on regular weekly rest (i.e. according to the formulae “5 days on, 2 days off”) are most beneficial to drivers as the average fatigue level they involve is lower (**6.9**) if compared to the average fatigue level that has been observed for both reduced weekly rest (**7.8**, i.e. according to the formulae “5 days on, 2 days off, 6 days on, 1 day off with subsequent compensation”) and the revision proposed by the IRU (**7.0**, i.e. according to the formulae “5 days on, 2 day off, 6 days on, 1 day off with subsequent compensation”) which would entail for the driver the need to take at least 2x24 hour-weekly rest periods, combined with the possibility to take the second weekly rest in compensation during a 13-week reference period if not taken during the same week.

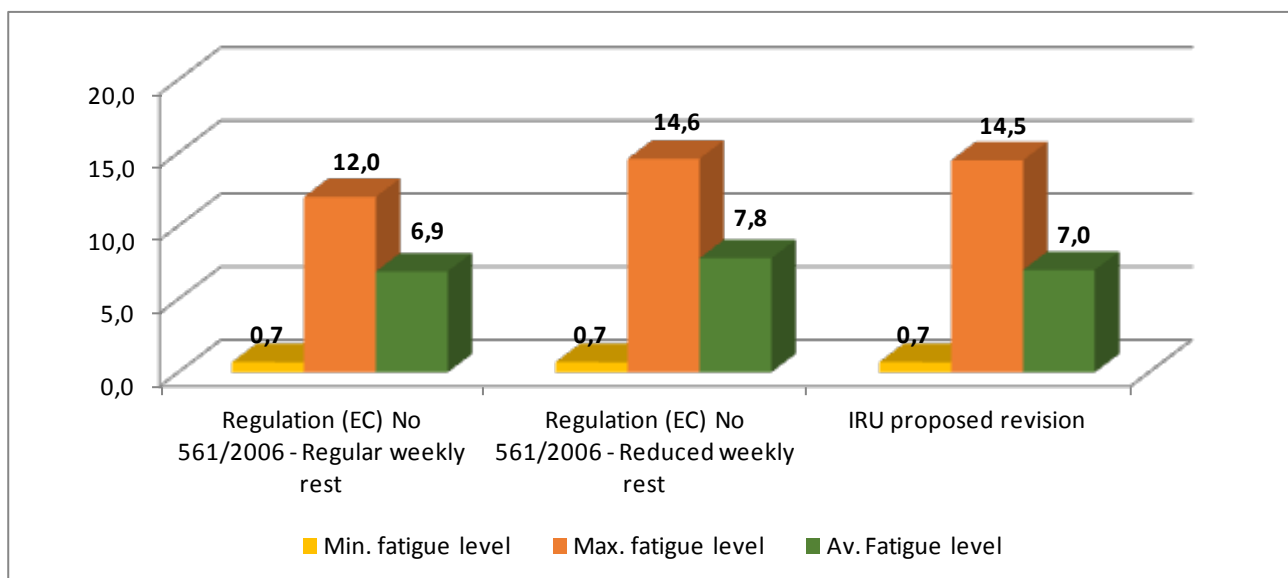


Figure 4-59: Summary of Fatigue Index results analysed for working patterns 7am-5pm under the requirements for the weekly rest periods

Source: Compilation by the authors

An analogous finding has been brought about when working patterns with a regular 7am to 7pm shift are investigated (Figure 4-60). In a similar way to the previous simulation, also in this case the current requirements on regular weekly rest score a better value with the average fatigue index that is lower (**8.1**) than the average levels encountered for the reduced weekly rest (**9.3**) and the amendment formulated by the IRU (**8.4**).

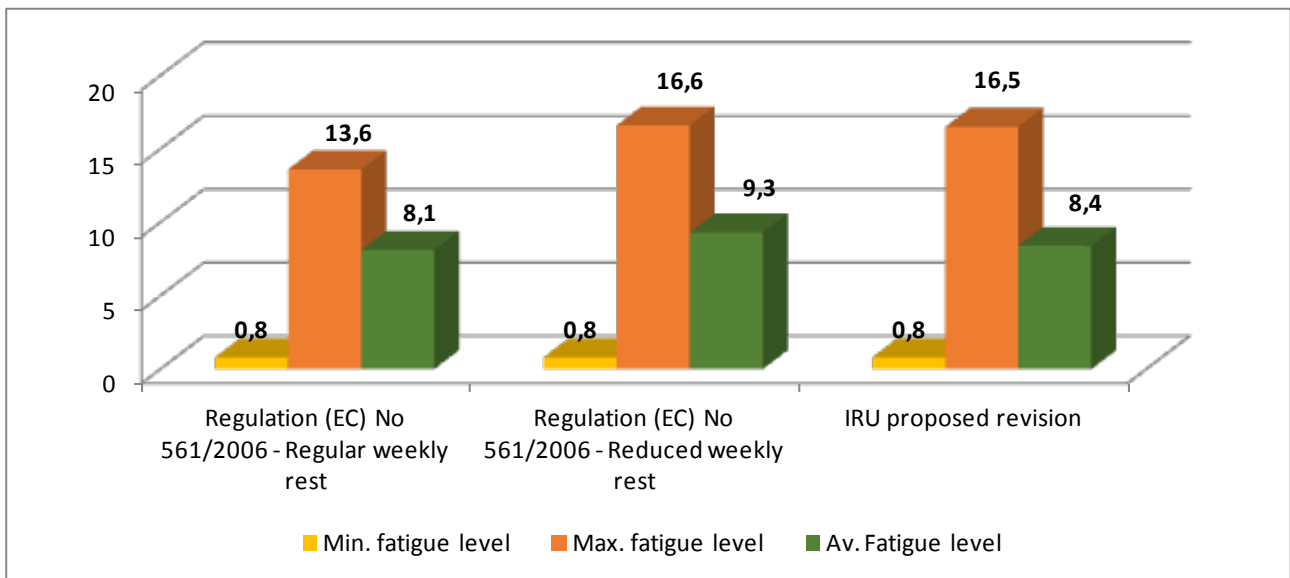


Figure 4-60: Summary of Fatigue Index results analysed for working patterns 7am-7pm under the requirements for the weekly rest periods

Source: Compilation by the authors

In terms of risk level, as illustrated in Figure 4-61 and Figure 4-62 the FRI index scores equivalent values for all scenarios assessed. The only exception applies in the case of a regular 7am to 7pm shift where the maximum risk level found for the current requirements on the regular weekly rest periods is slightly lower (**1.0**) in comparison to the maximum values calculated for the reduced weekly rest and the IRU’s proposed amendment (both **1.1**).

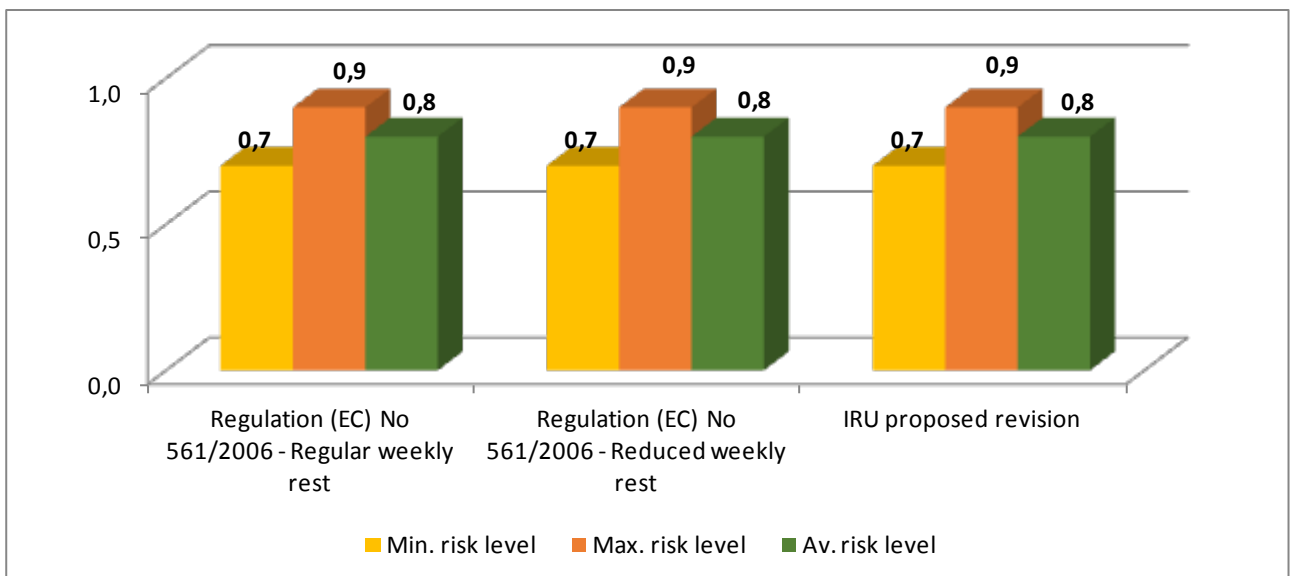


Figure 4-61: Summary of Risk Index results analysed for working patterns 7am-5pm under the requirements for the weekly rest periods

Source: Compilation by the authors

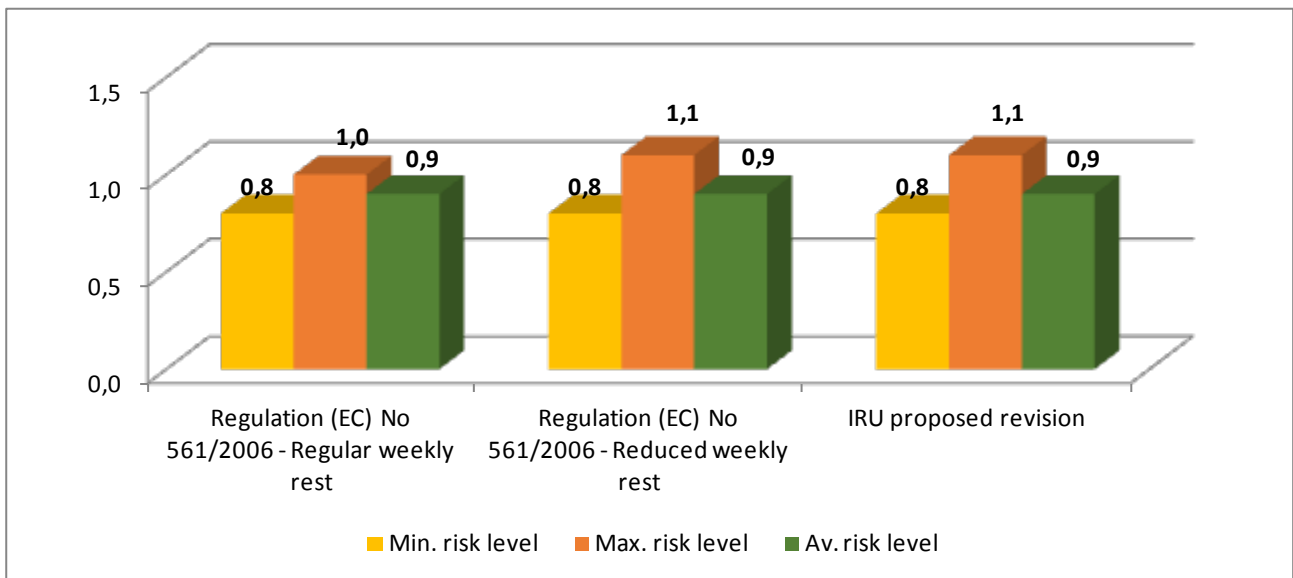


Figure 4-62: Summary of Risk Index results analysed for working patterns 7am-7pm under the requirements for the weekly rest periods

Source: Compilation by the authors

Taking stock of all these results, it can be concluded that the proposal developed by the IRU scores a higher average fatigue index compared to the current requirements on regular weekly rest periods, but lower if compared to reduced weekly rests. Difference between the IRU proposal and the current EU requirements on regular weekly rest periods is, however, limited which might suggest that, also in presence of equivalent risk levels across all options considered, a higher flexibility in arranging driving and resting patterns might not be detrimental to social conditions, while it might allow increased operational efficiency.

5 Emerging conclusions

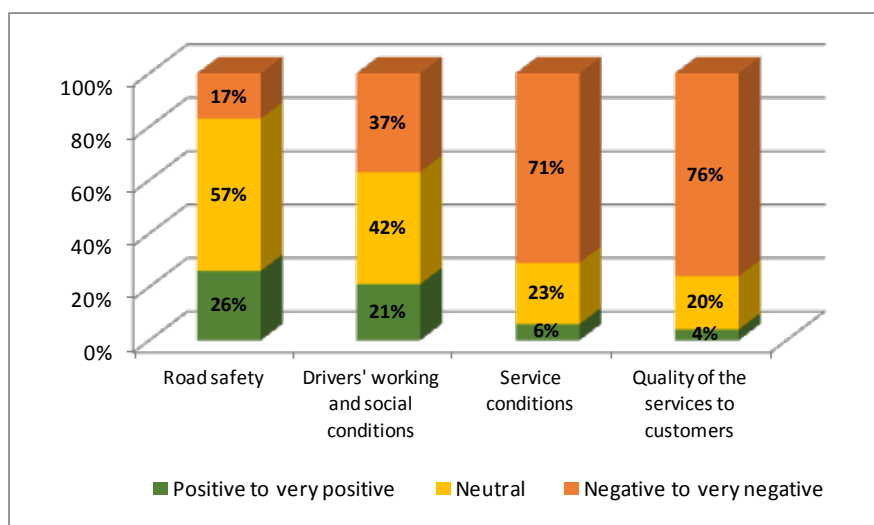
5.1 Synthesis of main findings

The purpose of this study was to identify and explain the impacts generated by the implementation in the road passenger transport sector of the requirements on driving and rest times set by Regulation (EC) No 561/2006. More specifically, the study elaborated on to what extent such implementation might be considered appropriate with respect to the business and operational needs of road passenger transport operators, the social and working conditions of their employed drivers and the broader objectives of securing adequate levels of road safety and quality standards in the services provided to the customers of the transport industry, while safeguarding fair competition between transport operators.

As the study has revealed, passenger transport operators largely express criticism against the current regulatory setting on driving times and rest periods since, in their view, it does not sufficiently take into account the specificities of their business environment. Remarkably, operators argue that these specificities are substantially different from those of the road haulage segment for which the present rules were originally designed and only subsequently adapted to the transport of passengers by road.

From the side of the industry, undertakings denounce the lack of flexibility of the present norms which do not allow operators or drivers to cope with situations where care for passengers and, therefore, quality of the services provided do not match the need to comply with the requirements set by the EU laws. This applies, for example, in the case of occasional tourist services where provision of the transport service is highly dependent on how a tour or a visit are planned and roll out.

As summarised in Figure 5-1 service conditions and quality of the service to customers are perceived as the two areas that are most negatively affected by the legislation on driving and rest times, with negative views of the companies largely outnumbering either the neutral or positive opinions stated by some of the operators. A more mixed perspective is, conversely, offered with respect to improved working conditions where negative and neutral views are almost equivalent, while, among all objectives, only the improvement of road safety receives a more positive feedback, although in this respect the standpoint of the operators remains largely neutral.



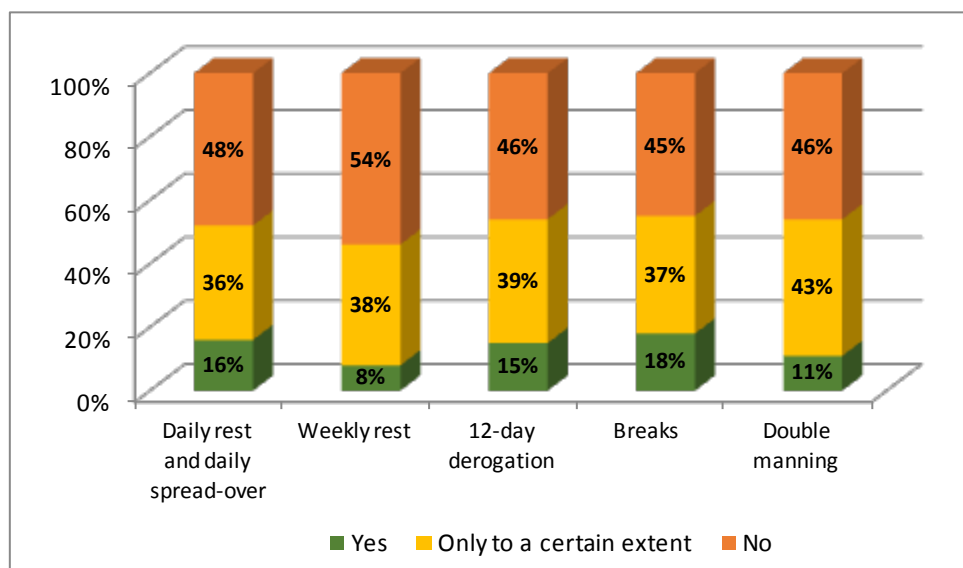
Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 5-1: Specific impact of the driving times and rest periods rules in the road passenger transport sector: views from the transport operators

The fact that the negative impact is primarily perceived on the operational service conditions and on the quality of the services provided to customers is also reflected by the negative perspective that companies express in terms of the impacts on costs. 93% of all operators affirm, indeed, that costs have increased following implementation of the driving time and rest period rules as a consequence of the need to match service conditions with the legal requirements (for example, the costs to foresee a second driver to comply with EU requirements also in cases where driving times is limited).

Looking further more specifically at the single items that were put under scrutiny in this study (Figure 5-2), i.e. maximum daily rest and daily spread-over, weekly rest, 12-day driving derogation, breaks and double manning, the evidence gathered by the study on whether the current requirements are set at the optimal level to meet transport operators’ needs shows that weekly rest is the requirement for which, among all others, the greatest dissatisfaction has been expressed. On this issue, comments supplied by the undertakings stress that the current rules can lead to situations that can create driver unfriendly rosters due to the lack of flexibility.

On daily rest and maximum daily spread-over, companies underline the risk of exceeding permitted duty hours due to unforeseen delays or the negative impacts in terms of costs while, finally, on double manning, operators consider that the present requirements make it impractical to board a second driver from any point along the journey other than the departing point where the second driver still has to return. This causes inflexibility and unnecessary cost and is also detrimental to specific kinds of services such as overseas tours.



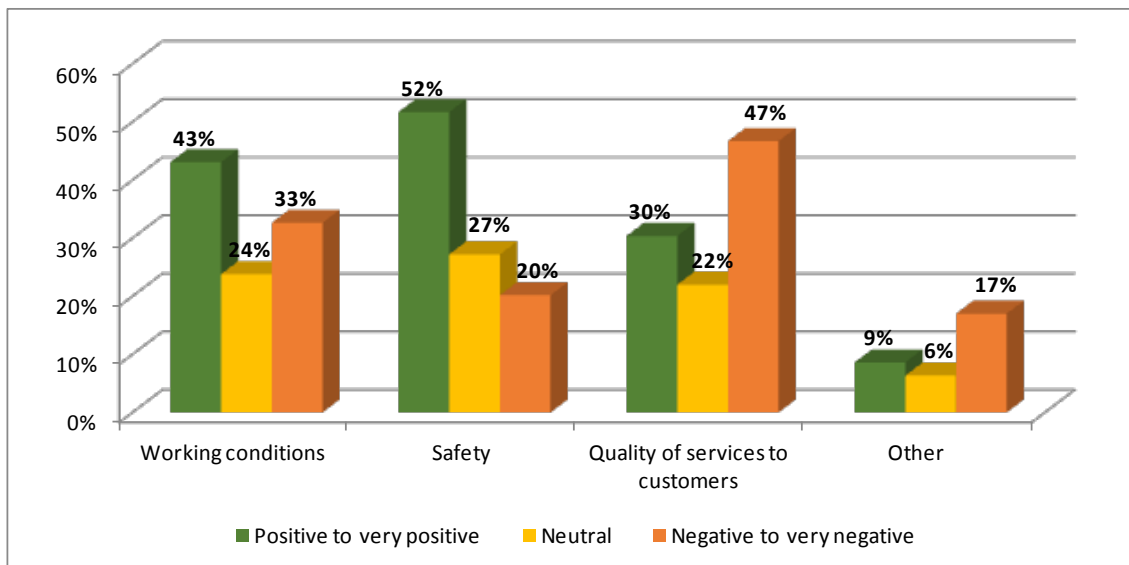
Proportions calculated on the basis of a sample of N= 349 responses for transport operators

Figure 5-2: Transport operators’ assessment of the specific requirements laid down in Regulation (EC) 561/2006

Along with the views of the transport undertakings, the study has also looked at the position of professional drivers concerning their degree of satisfaction with the current requirements on driving times and rest periods. Drivers believe that Regulation (EC) No 561/2006 has brought important improvements to road safety and to their working conditions compared to previous Regulation (EEC) 3820/85, as illustrated in Figure 5-3. However, they consider that these improvements are not sufficient compared to potential modifications which they agree would further ameliorate both road safety and their working conditions.

It is also important to notice that the opinions of drivers and companies are aligned when it comes to evaluating the impact of the present driving time and rest period rules on the quality of the service offered to the customers. Although to a lesser extent (47% in the case of drivers against 76% in the case of the undertakings), drivers also think that Regulation (EC) No 561/2006 in its current shape does not contribute and is not sufficiently flexible to provide high quality services to customers.

Equally, drivers point out that they transport persons and not goods and that their needs ought to be taken into account (especially in case of delays or emergency situations), which is not always possible under the current regulatory regime.

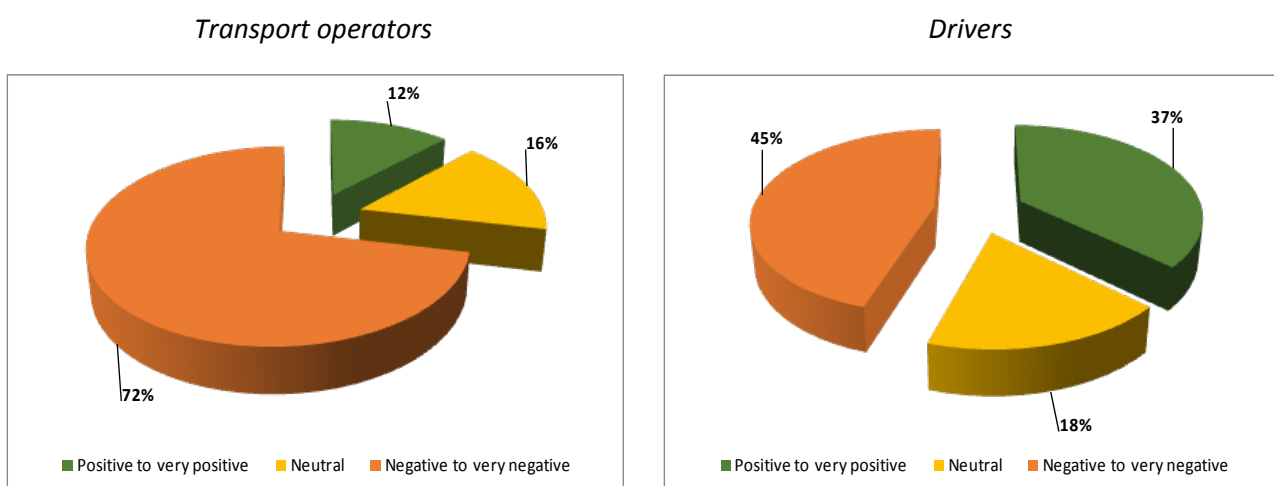


Proportions calculated on the basis of a sample of N= 441 responses for drivers

Figure 5-3: Impact of the driving times and rest periods rules in the road passenger sector: views from the drivers

The above considerations lead to the second part of the analysis that has informed this study. Operators and drivers were asked to rate the effectiveness of two possible options to optimise the present legislative framework governing driving times and rest periods in the road passenger transport sector. These two options, respectively identified as “Option A” and “Option B”, consider the opportunity to leave unchanged or, on the contrary, to revise EU social rules as they are currently laid down in Regulation (EC) No 561/2006.

As can be observed from the information displayed in Figure 5-4, Option A (no changes to the current social rulemaking) is not supported by the large majority (72%) of transport companies consulted nor, although to a lesser extent, by most of the drivers (45%) who replied to the survey.

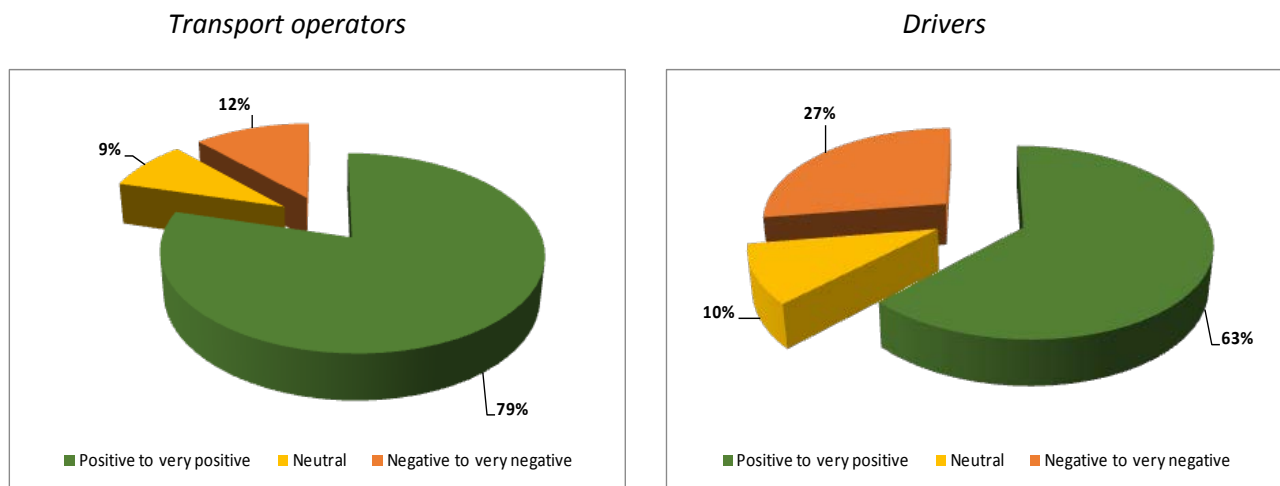


Proportions calculated on the basis of a sample of N= 349 responses for transport operators and N= 441 responses for drivers

Figure 5-4: Average degree of appreciation of transport operators and drivers for Option A (no changes to the current social regulatory setting)

The implication of this reasoning is that, as synthesised in Figure 5-5, there is a wide consensus between operators and drivers relating to the need to change the manner in which the present norms on driving times and rest periods are applied in the road passenger transport sector.

While companies motivate their support for the revised regulatory regime with arguments of increased business and operational efficiency (with subsequent positive consequences on the quality of the services provided), drivers consider the positive impact that this would entail on the quality of the services provided (analogously to the operators) and on their working conditions.



Proportions calculated on the basis of a sample of N= 349 responses for transport operators and N= 441 responses for drivers

Figure 5-5: Average degree of appreciation of transport operators and drivers for Option B (changes to the current social regulatory setting)

Companies namely support a revised regulatory regime applicable to the maximum daily spread-over and to double manning. Concerning daily rest and daily spread-over, companies do not only stress the importance of extending the maximum daily spread-over to 16 hours, but also point out the need to clarify when derogations are admitted (for example due to delayed flights, road queues, emergency situations and any other situations that can be factually checked) and to make the maximum daily spread-over proportional to the hours spent driving (e.g. the less a driver drives, the longer the daily spread over should be). Furthermore, on double manning operators argue that a more flexible approach, along with the extension of the 21-hour duty period to 22 hours, would allow using second drivers more efficiently with a positive side-effect in terms of reduced risk of tiredness affecting the first driver.

Drivers put, conversely, more emphasis on the need to improve requirements on breaks. Markedly, they would see with favour a return to the previous normative setting with the possibility of introducing a higher fractioning (e.g. dividing the break period in up to three breaks of 15 minutes each) of the break periods. In their view (shared by companies) this would permit a better management of the service with benefits for the customers as breaks would be organised in such a way as to be more tailored to passengers' needs.

An overall overview of the degree of appreciation expressed by transport operators and drivers on the two Options A and B for all EU social requirements analysed in this study is provided in Table 5-1 on the following page.

Table 5-1: Summary of degree of appreciation from transport operators and drivers about proposed options to optimise social requirements in the road passenger transport sector

ITEM	OPTION A (no changes)			OPTION B (proposed revision)		
	description	degree of appreciation expressed by operators*	degree of appreciation expressed by drivers*	description	degree of appreciation expressed by operators*	degree of appreciation expressed by drivers*
Daily rest and maximum daily spread-over	Current regulatory setting on driving times and rest periods remains unchanged	12%	34%	Extension of the daily spread-over to 16 hours.	82%	59%
Weekly rest		9%	36%	45 hours (regular weekly rest) and the difference with the effectively taken weekly rest of at least 24 hours is taken in compensation during a 13-week reference period if not taken during the same week.	79%	60%
12-day derogation		13%	38%	Cancellation of the single trip limitation and extension of the derogation to domestic occasional services as well.	78%	62%
Breaks		16%	37%	Break periods of at least 45' for every 4.5 hours of driving. Breaks could be taken <i>en bloc</i> or split up to 3 periods of at least 15' each.	77%	68%
Double manning		12%	39%	A double-manned vehicle is single-manned for at least the first and (preferably) the last 4.5-hour driving period.	81%	64%

*Appreciation is expressed in terms of "Positive to very positive" responses provided by transport operators and drivers.

Lastly, the analysis on driving times and rest periods has been supplemented with an assessment of the fatigue and risk index for the two scenarios relating to the 12-day derogation and the requirements on weekly rest. More precisely, for these two items simulations have been run to compare a set of different working patterns meeting the requirements set by Regulation (EC) No 561/2006 and those of a possible revision according to the proposals elaborated by the IRU.

The comparison has made use of the FRI index that was designed by the UK Health and Safety Executive. Encouragingly, for the 12-day derogation simulations allow to observe that IRU proposals would be beneficial to drivers as they would involve a lower fatigue level if compared to that calculated according to the current rules set by Article 8(6a) of Regulation (EC) No 561/2006 and with all risk indices levelling off at the same values.

Conversely, for weekly rest the proposal developed by the IRU scores a higher fatigue index compared to current requirements on regular weekly rest for working patterns with both 7am to 5pm and 7am to 7pm shifts, but this index is lower if compared to reduced weekly rest for similar working patterns. Difference between the IRU proposal and the current EU requirements on regular weekly rest periods is, however, limited which might suggest that, also in presence of equivalent risk levels across all options considered, a higher flexibility in arranging driving and resting patterns might not be detrimental to social conditions, while it might allow increased operational efficiency.

In conclusion, it can be stated that the present study has confirmed that the application of the rules on driving times and rest periods currently in force as set by Regulation (EC) No 561/2006 is considered by the road passenger transport industry as problematic and inadequate to meet their operational and business needs as well as to secure a proper level of quality in the services provided to their customers.

This perspective is shared as well by drivers, who believe that Regulation (EC) No 561/2006 has certainly brought important improvements on road safety and on their working conditions compared to previous Regulation (EEC) 3820/85, but still consider that these improvements are not sufficient compared to potential modifications to which they agree would ameliorate further both road safety and their working conditions.

Remarkably, the validity of a possible revision of the current requirements on driving and rest times can be further corroborated by the positive results that for the 12-day derogation and the weekly rest periods have been found in terms of a lower fatigue level affecting working patterns of drivers engaged in the road passenger transport sector.

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Annexes

Annex A: Illustrative examples of situations where compliance with Regulation (EC) No 561/2006 was found problematic

Annex A illustrates a number of examples which describe specific situations in which passenger transport operators and drivers were involved and where compliance with Regulation (EC) No 561/2006 was put at stake (courtesy of SBV, 2014). The list of these illustrative examples is given in Table A-1.

Table A-1: Illustrative examples submitted by transport operators to clarify/explain their assessment of the overall evaluation of EU social legislation in the road passenger transport sector

ILLUSTRATIVE EXAMPLE	DESCRIPTION
Illustrative comment no 1	The bus driver finishes work at 22.00 hours and must have a day's rest of 9 hours. The next driving assignment is planned to start after the period of rest at 08.00 hours. The client – an extremely large and important foreign organisation with prominent businessmen - wants to change the times and be collected at 06.30 hours instead. It is very difficult for the bus company to change drivers for the assignment and he will otherwise be forced to break the regulations in order to carry out his undertaking. Fine of SEK 1,000 for the bus driver and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no 2	The bus company carries out an assignment on behalf of a larger bus company as a sub-contractor. The assignment involves driving a group from Stockholm to Vansbro for the purpose of a swimming competition (Vansbrosimningen), a distance of some 300 km, and the same distance back to Stockholm again. The swimming competition finishes later than expected, which means that the driver will not be able to follow the regulations according to plan. The driver/company is faced with the choice of either driving the bus home empty and not receiving payment, or waiting for the group and breaking the regulations. Fine of SEK 1,000-4,000 for the bus driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 3	The bus company drives a group of businessmen who plan to make a study visit to a factory. The visit runs over time, which means that the group of businessmen decide to cancel their planned lunch. The reason for this is that the businessmen have to travel by bus to the airport to catch a flight. The bus driver, who had been unaware of this fact, has started his break and is 25 minutes into it. When the group arrives at the bus, they have to wait for the driver to finish his 45-minute break, since the regulations must be followed. If the rest break is broken the infringement is a fact. Fine of SEK 1,000-4000 for the bus driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 4	The bus driver has to start his shift at 04.30 hours and therefore drives the bus to his home on the previous evening in order to be able to take the best and longest stretch that night. The bus driver fails to consider the fact that his rest period that night will be too short since he breaks his daily rest that evening in order to fetch the bus, which he is not allowed to do according to the regulations. Nevertheless, by driving the bus home the driver gets the best period of night rest possible. Fine of SEK 1,000-4000 for the bus driver and sanction fee of SEK 1000-4000for the bus company.
Illustrative comment no 5	During the visit made by US President Obama to Stockholm, the bus company was commissioned to arrange and provide all bus transportation. The drivers who were to drive the buses were checked by both Swedish and US security police. The requirement is that the buses should be driven by the same driver the entire time. The visit takes longer than expected, which means that the regulations on driving time and rest periods cannot be met. Nor is it possible to replace current drivers with other drivers. Fine from SEK 1,000 to at most SEK 3x4,000 for the bus driver, but after reduction SEK 4,000+2x2,000 =SEK 8,000, and sanction fee of between SEK 1,000 and 3x40,00 per driver (B+C+D) for the bus company. It could be a considerable sum, but not more than SEK 200,000 or 10 per cent of the annual turnover.
Illustrative comment no 6	The bus company has been sub-contracted and is conducting assignments for a large express coach company. Sometimes, the drivers do not learn of their destinations until the time of departure. For journeys of up to 300 km, for example from Stockholm to Karlstad, the driver should have taken a rest before departure. Despite the fact that the driver did not know the nature of the journey beforehand, a mistake has been made, and a problem has arisen which means that the timetable for the journey cannot be adhered to if the driver's driving times and rest periods are to be followed. The sub-contracted company is sanctioned despite the fact that it could not influence the situation. Fine of SEK 1,000-4,000 for the bus

ILLUSTRATIVE EXAMPLE	DESCRIPTION
	driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 7	The driver drives on wintery roads up to Norrland. The temperature is -30° and under such circumstances it is impossible to take a 45-minute continuous break since the coach would freeze solid. It would be better for both the driver and his passengers if he instead took 3x15 minute breaks, which is not allowed. Fine of SEK 4,000 for the bus driver and sanction fee of SEK 4,000 for the bus company.
Illustrative comment no 8	The bus company has transported a group from Sweden to Spain. When the driver is due to start the next leg of the journey in Spain, the region of "CATalonia" must be registered as the country of departure. In other words not ESP or Andalusia. How is a driver supposed to know that? Fine of SEK 1,000 for the bus driver if fined in Spain and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no 9	On a long stretch of road in France, there is only one good rest area "Montélimar". After this there is a long stretch of road with no rest areas at all. Sometimes, the Montélimar" rest area can be completely full, which means that the group and the driver cannot take their planned break and the driver's driving time between breaks is too long. Fine of SEK 4,000 for the bus driver and sanction fee of SEK 4000 for the bus company.
Illustrative comment no 10	Sometimes the bus company runs train replacement services with the point of departure in Norrköping, Linköping or Mjölby, and with Borlänge as the final destination. It is often possible to complete these journeys within 4 h and 30 minutes, which is the maximum allowable driving time without a break. But sometimes the coach may be 15-30 minutes late (which means that it does not fall within the allowable driving time) arriving in Borlänge because the coach has to stop in so many different places. Stopping the coach 15-30 minutes before reaching Borlänge so that the driver can take a rest is impossible under such circumstances. There would be far too many protests and complaints from the passengers. Fine of SEK 1,000 for the bus driver and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no11	On a shopping trip from Mjölby-Ullared tor, the coach is delayed on the return journey from Ullared because one of the passengers is stuck in a queue at a check-out counter inside the store. Instead of the planned departure at 16.00 hours, it leaves at 16.20 hours. This means that when the driver has driven his allowable hours before his daily rest has to commence, the bus could be in Väderstad, about 10 minutes from its final destination. So now a new driver has to be dispatched to take over driving of the coach in Väderstad, which is generally done, but is sometimes impossible. When it is not possible, the "old" driver is forced to break the regulations against the background of the fact that it is unrealistic to stop the bus and ask the passengers to get off the bus along the road only a short distance from their final destination, because the day's allowable driving time has expired. Fine of SEK 3000 for the bus driver and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no 12	While skiing on a group trip to the ski slopes at Sunne, a member of the group breaks his leg. This delays the return trip and means that the driver's maximum allowable driving time is exceeded. Fine of SEK 1,000-4,000 for the bus driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 13	After driving a hockey team to a match, the match is delayed so that the driver is unable to keep to the allowable driving time. Fine of SEK 1,000-4,000 for the bus driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 14	A driver drives a school bus from Monday – Friday. At the weekend, the driver wants to wash his own private vehicle in the coach company's garage. However, a bus is standing in his way, so the driver drives it out of the garage, thereby breaking his week's rest period. Fine of SEK 4,000 for the bus driver and sanction fee of SEK 4,000 for the bus company.
Illustrative comment no 15	Two drivers board a coach in Helsingborg to drive it to France. They drive their own cars to Helsingborg but have forgotten to manually enter "Other work" for the time they spend in their cars. At a check-point in Denmark, the mistake/infringement is discovered. Fines of SEK 4,000 per

ILLUSTRATIVE EXAMPLE	DESCRIPTION
	person for the bus drivers and sanction fee of SEK 8,000 for the bus company.
Illustrative comment no 16	On a return journey from Croatia with multi-driver manning, there are enormously long traffic jams at times. The original plan was to drive 1,400 km in 21 hours, but this turned out to be impossible. It was also impossible to take breaks when the bus was trapped in tail-backs on the motorway. This meant that the drivers were forced to break the driving time and rest period regulations. Fine of SEK 4,000+4,000 which was reduced to SEK 6,000 per driver and sanction fee of SEK 2x8,000=SEK 16,000 for the bus company.
Illustrative comment no 17	The bus becomes caught for hours in extremely long traffic jams when travelling on the Autobahn in Germany. The consequence of this is that the bus driver is forced to drive for longer than his maximum allowable driving time for the day in order to make sure that the passengers arrive in time at the hotel where they are booked in for the night. It is impossible to stop by the side of the road with a bus full of passengers who have no possibility for an overnight stop, so that the driver can take his 9-hour day-rest. Fine of SEK 4,000+4,000 for the bus driver which is reduced to SEK 6000 and sanction fee of SEK 8,000 for the bus company.
Illustrative comment no 18	When driving a connecting bus to the Viking Baltic Ferry Terminal, it is extremely stressful and congested at the terminal when passengers, on their way to the ferry, have to disembark from the bus at the same time as passengers from the ferry have to board the bus. Unfortunately, there are many incorrect entries, or no entries at all, on the tachograph in these situations. Unfortunately, it is no simple matter either for the driver to document the erroneous registrations after the event, because he/she then has to be carrying a lot of data in his/her head. Fine of SEK 4000 for the bus driver and sanction fee of SEK 4,000 for the bus company.
Illustrative comment no 19	When the bus company has driven a group to Göteborg to be there over the weekend, the group unexpectedly wants a lift on the Saturday morning – a trip that will take 20 minutes but will encroach on the driver's week rest period. Fine of SEK 4,000 for the bus driver and sanction fee of SEK 4,000 for the bus company.
Illustrative comment no 20	The bus company operates a skiing holiday with journeys every day to and from the lift facilities, etc. The seventh day should be the week's rest period for the driver, but the group wants him to give them a 10-minute lift on the 7th day. It would be difficult for the driver to say no to the group, but it is an infringement of the regulations. Fine of SEK 3,000 for the bus driver and sanction fee of SEK 4,000 for the bus company.
Illustrative comment no 21	One day, the company drives a gymnastics group with young girls (known as the "Uppsala Girls"), from Uppsala to a competition in Nyköping, and then back to Uppsala again. On the trip back from Nyköping, the girls say that they are very hungry because they haven't eaten anything all day long and ask the bus driver to stop at a restaurant. If the driver stops there is a considerable risk that the 6 periods between the day rests will be so long that the day rest of 9 hours cannot be taken within a 24-hour period. Fine of SEK 1,000 for the bus driver and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no 22	The company has been commissioned to drive a group to Geilo, Norway. The bus departs from Uppsala and a new driver boards and takes over the bus in Västerås. From Västerås to Geilo it is normally a 9-hour trip. However, the motorway has been unexpectedly closed down, which means that the driving time is 10 hours instead. The driver had already used the possibility of driving 10 hours twice in the week. Fine of SEK 3,000 for the bus driver and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no 23	The bus driver discovers on his arrival at Scandic Hotel in Umeå that the normal parking bays have been removed/shifted. The driver is forced to move the bus outside the hotel grounds despite the fact that the permitted driving time has expired. Fine of SEK 1,000 for the bus driver and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no 24	When the bus arrives at the planned rest area in Germany, there is chaos in the parking area. There are a large number of buses there in a state

ILLUSTRATIVE EXAMPLE	DESCRIPTION
	<p>of total disorder, which means that it is impossible to stop there and take a break as planned (after 4.5 hours' driving time). Unfortunately it is quite a long way to the next rest area. At the parking area, the drivers are also forced to relocate several of the buses owing to the chaos, with the result that the drivers' rest periods of 45 minutes are broken or become far too short. Fine of SEK 4,000 for the bus driver and sanction fee of SEK 4,000 for the bus company.</p>
<p>Illustrative comment no 25</p>	<p>Every morning, the bus company drives personnel out to the nuclear power station in 6 buses. The company employs a routine involving a "start-up driver" who starts all the buses and drives them out from the heated garage so that everything is ready when his/her colleagues arrive for work. Sometimes, the start-up driver has to move the same bus a second time so that there is enough room for all the buses to stand on the garage parking area. This means that the start-up driver has to insert his/her card into at least 6 bus tachographs in the morning – with the time that takes. It takes a long time before the digital tachograph has read in all the data and all the different buttons have been pressed. And if the start-up driver has to be entered a second time, and he/she has to insert the card again, some of the printers start complaining. The enormous patience that is required in order to move the buses some 10 m or so means that there is a tendency for these start-up drivers to drive the buses without a card. The movements take place in a fenced-in area, they are no danger to traffic and the bus company definitely does not breach any regulations on working hours. The bus company feels that there must be simpler regulations and exceptions for moving buses in the garage forecourt without the drivers or the company risking having to pay large fines. Fine of SEK 4,000 for the bus driver and sanction fee of SEK 4,000 per bus for the bus company.</p>
<p>Illustrative comment no 26</p>	<p>When the bus drivers return home after a day's work, they need to shift their vehicles a few metres in order to refuel and clean the buses. Should it be the case that the driver's shift is basically over, it cannot be right in the opinion of the bus company that the driver should begin his/her shift with a 45-minute break, perhaps in the middle of the night, in order then to be able to refuel and move the buses to the garage forecourt. Fine of SEK 1,000-2,000 for the bus driver and sanction fee of SEK 1,000-2,000 for the bus company.</p>
<p>Illustrative comment no 27</p>	<p>In extreme situations, for example bad weather and accidents, in other words an incident that could not have been foreseen or planned for, problems occur in connection with following the regulations. If the bus is full of passengers and the driver's driving time is shortly due to expire, it is very difficult to come to a stop 40 km from the destination in the middle of nowhere simply to take a 45-minute break. The regulations only permit the driver to drive to a suitable place to stop at, which has been deemed by the Swedish supervisory authority to be the nearest possible parking area. Fine of SEK 1,000 for the bus driver and sanction fee of SEK 1,000-2,000 for the bus company.</p>
<p>Illustrative comment no 28</p>	<p>The bus operates (all year round) a lot of replacement traffic when the trains are no longer functioning. The route from Kiruna to Boden normally takes 4.5 hours to cover by bus. However, and especially in the wintertime, it could take much longer because of stops made en route because the bus has driven off the road into a ditch or become stuck in icy conditions, etc. The bus company estimates that in the winter there is some form of stoppage along the road in three out of every ten assignments. These stops often mean that the journey takes longer than 4.5 hours. After driving for 4.5 hours, the bus and its driver often still have 10-30 km left to reach Boden, which takes 10-25 minutes. The driver stops according to the regulations in order to take his/her break, with the result that the passengers become very angry. Most of the passengers are on their way to Stockholm or some other place further away than Boden, and for them the whole journey or journey cycle becomes extremely delayed, and sometimes even impossible to complete because of this.. The bus takes longer than the train to travel the distance from Kiruna-Boden, so everyone is delayed from the very start of their journey even though the bus can reach Boden in 4.5 hours. That the bus journey is even further delayed because the driver has to take his/her break just before Boden is definitely not appreciated by the passengers. The socio-</p>

ILLUSTRATIVE EXAMPLE	DESCRIPTION
	economic costs of this rest period are substantial, says the bus company. The bus company sometimes runs replacement services for the airlines, but the airlines say that they pay any fines and sanction fees themselves. Fine of SEK 1,000 for the bus driver and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no 29	In charter traffic, the bus company often drives sports teams to Luleå, Piteå and Kalix. It is not unusual for these buses to be left standing beside the road as a result of stoppages in traffic. The fact that the driver then has to take a break after 4.5 hours with the result that the team arrives late for the match is not practicable. Fine of SEK 1,000-4,000 for the bus driver and sanction fee for the bus company of SEK 1,000-4,000.
Illustrative comment no 30	There are about 20 km left to drive before reaching the hotel. It is late, the journey has taken longer than expected, and the passengers are hungry and tired. The driver has driven the permitted 4.5 hours but experiences considerable pressure on him/her to carry on driving in order to reach the hotel as soon as possible. Fine of SEK 2,000 for the bus driver and sanction fee of SEK 1000 for the bus company.
Illustrative comment no 31	The driver is forced to exceed the 4.5-hour driving time on a journey to Hamburg. The company/driver has calculated with a 2-hour traffic jam, but suddenly they encounter a 4-hour jam before Hamburg. Fine of SEK 2000 for the bus driver and sanction fee of SEK 2,000 for the bus company.
Illustrative comment no 32	In conjunction with the storm known as Sven that occurred in the south of Sweden in winter 2013, there were long tail-backs and collections of coaches at the ferry terminals in the south of Sweden. The coaches were on their way to Germany carrying groups that were on their way to various Christmas markets. Passengers were sitting in the coaches without food, and in the end the coaches had to return to their starting points. In this situation, it was impossible to observe the regulations. Fines of SEK 3x4,000 for the bus drivers but SEK 4,000+2x2,000=SEK 8,000 after reduction and sanction fee of SEK 3x40,00=12,000 for the bus company.
Illustrative comment no 33	The bus company is situated in the inland area of Norrland in Sweden. There are often problems in the winter time as a result of accidents and traffic stoppages along the roads. The company often drives ice-hockey teams (Skellefteå AIK who play in the highest Series) that have to travel south to play. There are often stoppages on the road as a result of trucks and trailers veering across the road and thereby blocking it, becoming stuck in the snow, driving off the road into ditches or as a result of accidents. In such situations, a lot of time is lost which means that it becomes difficult to reach the matches on time, especially if the regulations for driving times and rest periods are followed. In Sweden, there are quite a few 2+1 lane roads. On one occasion, when Skellefteå AIK were due to play in Gävle, there was a stop on one of the sections of road with only one lane, which resulted in long tail-backs. Reaching the stadium in time for the start of the match and at the same time following the regulations was a difficult equation. Fine of SEK 1,000-4,000 for the bus driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 34	The further north you travel in Sweden and the further you drive into the inland regions, the fewer ploughed lay-bys/parking areas there are in the wintertime. Priority is given to the ploughing of lanes, which is done first, and often there is no time to plough the rest areas. Instead, there are high snow embankments that prevent access to the rest areas. If the regulations are to be followed, the drivers are unable to gain access to good rest areas, and instead they have to park by the roadside and the passengers have to stand out on the carriageway. This is extremely dangerous, especially if visibility is bad because it is snowing or dark. If the driver is forced to stop by the side of the road because he/she has to take a break, it is not unusual for the passengers – when they later reach a place where they can buy a coffee and a snack – to demand their coffee break anyway, thereby breaking all the deadlines for breaks, rest periods and driving times for the entire journey. Fine of SEK 1000-4000 for the bus driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 35	The bus company sometimes drives from Lycksele to the Tallinn Ferry Terminal in Stockholm in order to take groups across the Baltic from

ILLUSTRATIVE EXAMPLE	DESCRIPTION
	Stockholm-Tallinn. It is a journey of some 800 km. There is a significant risk of abnormally large disruptions taking place along the road, which mean that the groups are often short of time in reaching the ferry, even though the journey has been planned with ample time margins and spare time. It is difficult to follow the regulations when major disruptions occur that lead to delays. The longer the journeys are, the greater the risk of delays and other problems. Fine of SEK 1,000-4,000 for the bus driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 36	The bus company usually clearly informs the passengers before the journey about what is possible according to the regulations. Usually, the passengers respect and understand this. Sometimes, however, groups may be disappointed at the lack of flexibility to do/change things. An example of this is a group that wanted to make an excursion one evening in order to see a beautiful sunset, and it was not possible because the driver had already driven the hours that he was allowed to drive for the day. Fine of SEK 1,000-4,000 for the bus driver and sanction fee of SEK 1,000-4,000 for the bus company.
Illustrative comment no 37	The bus company transports a group, single journey, from Stockholm-Örebro (200 km) and arrives in Örebro at 23.00 hours. The driver now has to take a 45-minute break because his driving time exceeds 4.5 hours by max. 30 minutes for the empty return trip. The driver does not consider himself to be more relaxed by being forced to take this break. Fine of SEK 1,000 for the bus driver and sanction fee of SEK 1,000 for the bus company.
Illustrative comment no 38	The bus driver has driven in the Stockholm area in scheduled bus services and has finished work for the day. On his way to the bus garage at Värtahamnen, the permitted driving time of 4.5 hours comes to an end on Valhallavägen. The driver feels that the best solution is to continue driving for a while until he reaches the garage, without having taken a rest break. Once the bus has been left at the garage, the driver is finished for the day and does not need to drive any more but can go home and take his day's rest. Fine of SEK 1,000 for the bus driver and sanction fee of SEK 1000 for the bus company.
Illustrative comment no 39	On the bus company's trips between Stockholm and Uddevalla (or Lysekil), a journey that normally takes 6-7 hours by bus, the passengers frequently request the driver to stop shortly after leaving Stockholm in order to buy sweets, etc. This means there is a 45-minute rest fairly soon after leaving Stockholm with the result that another 45-minute break needs to be taken before the bus reaches its final destination in Uddevalla/Lysekil. The passengers feel that this additional break is unnecessary, and it is a problem for the driver to reach his planned destination in the allotted time. Fine of SEK 2,000 for the bus driver and sanction fee of SEK 2,000 for the bus company.
Illustrative comment no 40	A fight breaks out inside the bus. A passenger is attacked by one of the other passengers. This leads to the bus being delayed 30 minutes and it makes the planned arrival time in Göteborg impossible to keep if the driver takes a break after 4.5 hours' driving. It would in such case lead to those passengers who are to continue with their journey by rail or air missing their connections. Fine of SEK 1,000-2,000 for the bus driver and sanction fee of SEK 1,000-2,000 for the bus company.
Illustrative comment no 41	A school frequently uses the bus company's scheduled services in order to transport pupils to the swimming baths in town. Normally, the school classes travel to the swimming baths on Route 1 or Route 4. Sometimes, however, the school wants to order a bus in order to get from the school to the baths directly. It is basically the same route, only a little longer because the pupils do not have to walk to the bus-stop that is used for regular traffic. It is often the same driver who drives the school classes to the swimming baths in scheduled bus traffic, on Route 1 or 4. Consequently, it may be the same driver, the same vehicle and almost the same route, but for the services in scheduled traffic the driver has to use his driver's card and tachometer, which often goes wrong. Fine of SEK 4,000 for the bus driver and sanction fee of SEK 4,000 for the bus company.

Annex B: Illustrative examples of comments submitted by transport operators and drivers

Below are examples of selected comments that have been provided by transport operators and drivers when providing their responses to the online questionnaire-based survey. The purpose of these examples is to illustrate the perception about the impacts induced by the application of the EU social legislation to the road passenger transport sector.

Annex B.1: Comments submitted by transport operators

Illustrative examples of comments submitted by transport operators are provided in Tables B-1 to B-6 below.

Table B-1: Extended list of translated illustrative examples submitted by transport operators to clarify/explain their assessment of the overall evaluation of the EU social legislation in the road passenger transport sector⁶¹

MEMBER STATE	ILLUSTRATIVE EXAMPLE	DESCRIPTION
BE	Illustrative comment no 1	We never reach the available driving time as we are permanently standing still.
BE	Illustrative comment no 2	We work with passengers not with goods, flexibility is thus needed.
BE	Illustrative comment no 3	The organisation of passenger transport is different from goods transport.
BE	Illustrative comment no 4	In goods transport driving time is the most important item. For us it is duty time and a great flexibility which we don't have for the moment.
BE	Illustrative comment no 5	We are in a sector with high and low season. There are periods where there is less work and we then have to foresee a second driver for a tour with a driving time of 5 or 6 hours
CZ	Illustrative comment no 6	Closed-doors tours are longer than 12 days. It would be good to have a possibility for 18 days, troubles in France and Belgium, ferry and obligatory 11 hours rest even in case of two drivers.
DE	Illustrative comment no 7	A passenger is not a parcel. We need more flexibility in the context of breaks, the 12-day-rule and rest periods.
DE	Illustrative comment no 8	More flexibility when planning line services.
DE	Illustrative comment no 9	High seasonality, trips of different length, not limited to weekdays, passengers have high standards for transport (breaks; route planning; planning of stopovers, stays, residence.
DE	Illustrative comment no 10	The trip profile in travel services defines the value of experience for the passengers and is therefore entirely different from freight transport. A coach journey has to meet the needs of passengers.
IT	Illustrative comment no 11	Regular rest periods fractioned into more periods, e.g. 7+4+2 with periods of maximum driving permitted less than 9 hours.
IT	Illustrative comment no 12	Give the possibility of increasing daily spread-over to 16 hrs and clarify derogations admitted (for examples, delayed flights, road queues, etc. e.g. situations that can be checked). Diversify weekly rest.
IT	Illustrative comment no 13	We transport persons and not goods then we need to meet needs that differ for example the flexibility that is required to deal with clients.
IT	Illustrative comment no 14	Tour starting at 6h30, arrival at destination at 9h, break until 15h and then 1-hour transfer to another destination, break until 20h and return at 22h: 2 drivers for 5h30 of driving!

61 All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE EXAMPLE	DESCRIPTION
IT	Illustrative comment no 15	To achieve positive results one should differentiate between road passenger transport and road haulage.
IT	Illustrative comment no 16	An extraordinary rigidity that makes it impossible to use the workforce within one week.
IT	Illustrative comment no 17	Unlike freight, passenger drivers also work on Saturdays and Sundays. Passengers have their own needs and drivers have to consider them.
IT	Illustrative comment no 18	More flexibility is needed in comparison with freight transport.
IT	Illustrative comment no 19	Activity is done on a continuous basis for the duration of the whole week, while goods can be organised and transported according to a "5+2" solution.
IT	Illustrative comment no 20	Passenger transport, unlike freight transport, is also done during night-time and weekends, this makes it difficult to comply with the current EU rules without significantly increasing staff costs and disruption to the customers.
IT	Illustrative comment no 21	Service on hire is operated for the public and should be granted flexibility in terms of daily working hours compared to limited driving hours.
LT	Illustrative comment no 22	We are located so that while driving on domestic routes the 4 hours of driving is not enough and sometimes when very little distance is left to the final destination, it is not convenient for the passengers to wait 45 minutes.
LT	Illustrative comment no 23	It is possible to schedule the route on regular services. However it is not so easy on non-regular services, therefore it would be reasonable to extend the number of exceptions on working hours.
LT	Illustrative comment no 24	Passenger transport is specific, it must meet demands of clients.
RO	Illustrative comment no 25	Flexibility is needed in case of tourist services where customers have to be transferred to various locations and involves providing a rapid response to customers' needs and requests which often cannot be efficiently planned in advance.
SE	Illustrative comment no 26	We transport people, whose requirements are not the same as for freight. We need rest areas with toilets, food and other amenities. There is a greater demand to meet travel times, and sometimes timetables simply have to be followed if we are to reach ferries in time.
SE	Illustrative comment no 27	The transport of passengers cannot be compared with the transport of freight. If we are to maintain our quality we cannot force passengers to stand still in a variety of complicated situations in order to meet a set of complex regulations.
SE	Illustrative comment no 28	It is important to have common rules from the point of view of competition. But it is also important that the rules are not so strange that our passengers get tired of using the bus and take the car instead.
SE	Illustrative comment no 29	It is not the driving times and rest periods that are the problem, but rather the inspections made by the authorities that lead to high sanction fees in connection with how we operate tachometers and copy driver cards, etc. Either that or it is the Swedish Transport Agency's interpretation of the regulations that is wrong. It is a case of us having to pay higher fines when we move a bus around in the garage than if we commit a crime in connection with driving times and rest periods. In fact it is probably the bus sector's sanction fees that pay for the Transport Agency's entire activities.
UK	Illustrative comment no 30	Unforeseen delays can create excessive delays for passengers if a driver needs to be relieved before completing the scheduled work

MEMBER STATE	ILLUSTRATIVE EXAMPLE	DESCRIPTION
		due to being delayed (e.g. traffic or weather conditions)
UK	Illustrative comment no 31	Most of our day trips to London are on the borderline at 15 hours. 16 hours would relieve the anxiety of the driver and company and allow a more relaxed journey home!
UK	Illustrative comment no 32	Our drivers spend much less time driving than in the freight sector with the average driving week approximately 26 hours. Work patterns require mostly short periods of regularly spaced driving. The fortnightly rest requirements restrict this too much.
UK	Illustrative comment no 33	On some journeys the possibility for a driver to rest at a place that is convenient to the passengers is limited, so requires greater flexibility on the part of the driver and planning the journey.
UK	Illustrative comment no 34	We would welcome the flexibility of the new options above. If we have more flexibility we would be happy for the (overall) weekly rest time periods to be extended so that drivers can make better use of their free time, and employers better use of their working time.

Table B-2: Extended list of translated illustrative examples submitted by transport operators to clarify/explain their assessment of the overall evaluation of the requirements on daily rest and daily spread-over⁶²

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
BE	Illustrative comment no 1	The extra rest day is too much as the driver drives only a few hours a day.
BE	Illustrative comment no 2	Coach drivers have many more days where they stand still than working days.
BE	Illustrative comment no 3	The duty time is not adapted to our sector.
BE	Illustrative comment no 4	It often happens that there are longer rest periods but shorter than 9 hours. There is often a problem with the duty time while the maximum driving time is far from being reached.
BE	Illustrative comment no 5	Sometimes rest has to be taken (mostly due to traffic problems) just before arrival (in the worst case 9 hours) while the passengers are still on board.
DE	Illustrative comment no 6	Our drivers drive only 4 hours a day at times. Because of the maximum driving time rules, they are not allowed to drive the following Saturday and Sunday. They have to take one or two off days during the week and cannot sum up enough hours.

⁶² All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
IT	Illustrative comment no 7	Daily rest split into 2 2-hour periods during the day with subsequent increase in the driver's duty periods so to better match the needs of the tourism industry while being compliant with the EU social rules at the same time.
IT	Illustrative comment no 8	After a regular daily or weekly break the driver operates a 4-hour service (one way), then stops for 8 hours and finally returns driving 4 hours and makes a regular daily break. Which rule has he infringed? None, but his working daily spread over amounts at 16 hours and he can be sanctioned.
IT	Illustrative comment no 9	Regular rest periods fractioned into more periods, e.g. 7+4+2 with periods of maximum driving permitted less than 9 hours.
IT	Illustrative comment no 10	Give the possibility of increasing daily spread-over to 16 hrs and clarify derogations admitted (for examples, delayed flights, road queues, etc. e.g. situations that can be checked). Diversify weekly rest.
IT	Illustrative comment no 11	Greater flexibility in the maximum daily spread-over in comparison with the amount of hours actually spent on driving.
IT	Illustrative comment no 12	Increase maximum daily spread-over to at least 16 hrs and possibly reduce daily rest to 8 hrs. At present the EU rules allow for a reduced rest (3 hours + 9 hours); it should be envisaged to have other types of fractioning for this type of rest.
LT	Illustrative comment no 13	To prolong the daily working hours up to 17 h, in cases when driving hours do not exceed 6h.
LT	Illustrative comment no 14	Longer working hours are very reasonable for non-regular services.
SE	Illustrative comment no 15	The majority of our transport is conducted outside the distance covered by the EU's driving time and rest period regulations (less than 50 km) which means that the few routes that are shorter must be handled in a different way than the normal traffic. This leads to increased administration and costs, without actually adding anything to the regulations we are already working with (collective agreement, etc.)
SE	Illustrative comment no 16	Split day rest, e.g. 4 + 8 hours
SE	Illustrative comment no 17	It is a strain on the drivers. When we previously had a 1 hour longer turnaround time, the timetable was not so tight and the drivers could drive in a smoother and more comfortable way for the passengers and other road users. Now it is top speed as much as possible in order not to break the regulations.
UK	Illustrative comment no 18	A return to the split daily rest periods of 4 = 8 hours would be extremely helpful to the company and I believe attractive to our drivers.

Table B-3: Extended list of translated illustrative examples submitted by transport operators to clarify/explain their assessment of the overall evaluation of the requirements on weekly rest⁶³

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
IT	Illustrative comment no 1	With the current rules, a driver operating tourist services must take 45 hours of consecutive rest even if during the preceding tour has only drove for one hour per day. Or, a driver who works alternatively one day and one not, hence 4 days in a week, has to take his rest after the second week, i.e. he works 8 days out of 15.
IT	Illustrative comment no 2	45 hours of consecutive rest are unnecessary
IT	Illustrative comment no 3	A 24-hour weekly rest period plus 11 hours of daily rest shall be allowed for a total weekly rest of 35 hours with the possibility to reduce it to 33 hours as set in previous Regulation (EEC) 3820/85.
IT	Illustrative comment no 4	Current rest requirements are designed for truck drivers and in our sector do not allow an optimal use of the vehicle fleet and of the driver roster (for instance, a driver who, for 15 days, drives alternatively one day and one not with rest periods in-between of 24 to 30 hours would not be compliant with the rules because he has not taken the consecutive 45 hours). This is unacceptable.
LT	Illustrative comment no 5	On a 15 days trip Vilnius-Spain-Vilnius drivers are unable to rest according to the existing rules, violations occur on the 13th, 14th and 15th day of journey unless both drivers are replaced.
LT	Illustrative comment no 6	Problems occur only on non-regular trips, when a crew go abroad for longer than one week. Passengers have a wish to travel every day and drivers have to take their weekly rest.
LT	Illustrative comment no 7	Regular weekly rest could be divided into several shortened weekly rest periods each 24 h. For e.g. on 15 day tour Vilnius-Spain-Vilnius drivers have possibility to rest on 4 days for 24 hours or longer (30 h): on the 4th, 7th, 10th and 12th days of journey.
SE	Illustrative comment no 8	When a driver is working to a timetable that runs, for example, over 6 weeks, it is a very complex business guaranteeing week rest on the basis of both the current regulations and Alt. B above. Week rest is provided on the basis of an agreement between employee and employer associations in the form of a collective agreement and by law. As long as transport is organised and operated nationally, this should be enough.
SE	Illustrative comment no 9	In the peak season, you can end up in a situation where it is difficult to fit in two days' leave. It is often possible to arrange for one day, but in my company it is often necessary to bring in another company because we cannot drive shorter shifts owing to the demand for week rest. It would be better if we could postpone the rest period a day or two, because you always get the break in the end.
SE	Illustrative comment no 10	The regulations are far too complicated now that a rest period extended to 45 minutes is stipulated. A driver is no more relaxed if he has to remain still for 45 minutes compared with 24 hours. In fact it is the weekly break that is the most difficult part to deal with

63 All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
		owing to an extremely complicated set of regulations with compensation models.
SE	Illustrative comment no 11	A driver who works for 6 hours Monday to Friday, for example on school trips, cannot be the driver for a 2-day trip from Saturday to Sunday, even if it is a short trip. There should be a regulation by which a 24-hour rest period can be moved. Variation in the type of journey driven can be extremely positive - for drivers too.
UK	Illustrative comment no 12	Touring on the continent suffers by the current legislation. Tour planning is very difficult, example drivers taking a weekly rest at a rural hotel where there is little for the passengers to do. The cost of 2 drivers is prohibitive and contract/relief drivers not always of the standard that one would hope for.
UK	Illustrative comment no 13	The current rules are too restrictive for local work, they restrict flexibility for small companies. Rules relating to local journeys less than 50 miles from base need to be introduced.

Table B-4: Extended list of translated illustrative examples submitted by transport operators to clarify/explain their assessment of the overall evaluation of the requirements on the 12-day derogation⁶⁴

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
IT	Illustrative comment no 1	The derogation should be revised in such a way that all tours operated on a continuous basis, domestically and internationally, may be operated with the same driver. It is not understandable why an 8-day tour in Italy cannot be operated without leaving the driver off duty for one day.
IT	Illustrative comment no 2	Often we are requested to operate tours lasting 7 or more consecutive days. These services are exclusively operated domestically without the possibility of using the 12-day derogation and we are compelled to change drivers with subsequent costs and troubles with passengers who often do not see with favour a change of driver during the same tour.
IT	Illustrative comment no 3	It is not understandable why the derogation is only valid for international services. In Italy tours lasting 8 to 10 days can also be offered where the level of driver's duty is limited (4 to 5 hours of driving per day, with days where the driver is only on duty to secure transfer from the hotel to the city centre).
IT	Illustrative comment no 4	The current provisions on the 12-day derogation should be revised by reinstating the provisions of previous Regulation (EEC) No 3820/5 (no limitation to the single service) and extension of these provisions to domestic services as well.

⁶⁴ All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
LT	Illustrative comment no 5	On a 15-day trip Vilnius-Spain-Vilnius drivers are unable to rest according to the existing rules, violations occur on the 13th, 14th and 15th day of journey unless both drivers are replaced.
LT	Illustrative comment no 6	Problems occur only on non-regular trips, when a crew go abroad for longer than one week. Passengers have a wish to travel every day and drivers have to take their weekly rest.
LT	Illustrative comment no 7	Regular weekly rest could be divided into several shortened weekly rest periods each 24 h. For e.g. on 15 day tour Vilnius-Spain-Vilnius drivers have possibility to rest on 4 days for 24 hours or longer (30 hours): on the 4th, 7th, 10th and 12th days of journey.
LT	Illustrative comment no 8	The duration of the breaks is more or less reasonable.
SE	Illustrative comment no 9	In connection with group trips in Europe, the driver often has very short stages to drive, but anyway has to drive for a few hours each day in order to make short sightseeing trips, etc. Then being forced to take a week rest, despite the fact that he/she has almost been free every day, is extremely frustrating, and means that we cannot plan our trips in a rational way. Maximum driving time and working hours are sufficient requirements and make sure that the driver has not driven so much that tiredness could jeopardise safety.
SE	Illustrative comment no 10	Trips abroad are positive compared with when no extensions at all were allowed. We request, however, that restrictions on international trips should be removed.
UK	Illustrative comment no 11	Most tours now require driver change overs which incur a lot of extra costs to our business, and loss of work due to tour companies not wanting to pay the extra costs.
UK	Illustrative comment no 12	The 12-day rule would help us by giving more flexibility in driver rotation given that drivers are in short supply.

Table B-5: Extended list of translated illustrative examples submitted by transport operators to clarify/explain their assessment of the overall evaluation of the requirements on breaks⁶⁵

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
SE	Illustrative comment no 1	Dividing the break up into 15-minute periods is a better alternative. This would provide the opportunity for drivers and passengers to stretch their legs properly during a journey, which is appreciated by both groups.
SE	Illustrative comment no 2	The flexibility that is lacking here makes it very difficult to conduct high-quality transport for customers. If, for example, the driver has 10 minutes left before reaching his/her destination, it is crazy that he/she should be forced to stay with the group and take a break.

⁶⁵ All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
		This occurs frequently owing to variations in traffic intensity.
SE	Illustrative comment no 3	In connection with passenger transport, it should be possible to exceed the driving time by 30 minutes. If this happens, it must be documented that the journey was correctly planned but that the driving time was exceeded due to other reasons. This eliminates the risk of having to remain standing in a lay-by with 50 passengers for 45 minutes when there are only 10 minutes of the journey left to drive.
UK	Illustrative comment no4	Customers moaning when 30 minutes need being taken. Having a driver starting earlier to get to a pick up point to have 15 minutes there and taking the 30 minute break at a better time for customers. The old way was much better and the 30 minute break could still be used if needed. Drivers not happy they have to wait 30 minutes on a return when only 15 minutes would suit them better (and the company). When on motorways sorting out the break times is harder and can hold the vehicle up longer than needed.
UK	Illustrative comment no 5	Sometimes drivers need to be able to take the second part of their statutory break in waiting restricted areas where a 15 minutes break would be permissible but a 30 minutes break would not be. They should be able to take their break in 2 or three periods of at least 15 minutes.
UK	Illustrative comment no 6	Allow more flexibility on splitting the break. For example allowing the breaks to total 45 minutes but in any combination with no one rest period being shorter than 15 min, so 15, 15 & 15 or 15 & 30 or 30 & 15 or 20 & 25. With goods it is not a problem but with passengers there needs to be more flexibility.

Table B-6: Extended list of translated illustrative examples submitted by transport operators to clarify/explain their assessment of the overall evaluation of the requirements on double manning⁶⁶

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
BE	Illustrative comment no 1	Services with 2 drivers: in a truck you can easily drive 20 hours out of 21 hours duty time, in a coach you can reach maximum 18 hours' driving time out of 21 hours' duty time.
SE	Illustrative comment no 2	It would be possible to achieve much more efficient journeys with longer distances driven if Driver 2 could board the bus later and Driver 1 could disembark earlier.
UK	Illustrative comment no 3	The present rules do not enhance safety at all and need a radical overhaul to make them simpler and stricter. The present rules discourage swapping crew during the course of a journey that is normally a safer method than having the same crew throughout.

⁶⁶ All comments submitted by transport operators on this issue are also available in their original languages.

Annex B.2: Comments submitted by drivers

Illustrative examples of comments submitted by transport operators are provided in Tables B-7 to B-12 below.

Table B-7: Extended list of translated illustrative examples submitted by drivers to clarify/explain their assessment of the overall evaluation of EU social legislation in the road passenger transport sector⁶⁷

MEMBER STATE	ILLUSTRATIVE EXAMPLE	DESCRIPTION
CZ	Illustrative comment no 1	Goods transport is totally different from passenger transport.
CZ	Illustrative comment no 2	Missing option to finish journey if one hour driving is over limit.
CZ	Illustrative comment no 3	Not fully in line with Directive 2002/15/EC.
CZ	Illustrative comment no 4	Negative working conditions, why have to declare free time? It is absurd. Safety: I do not want to rest 100 km from home, I need to get home.
DE	Illustrative comment no 5	Compliance with the law on working hours is often harder to achieve than accordance with driving time rules.
DE	Illustrative comment no 6	Bus/coach drivers have to deal with waiting time on the spot. Truck drivers usually drive all day long.
DE	Illustrative comment no 7	Trucks carry freight, which can be stored/ left unattended for two days. Passengers need the coach when they are sitting in it and do not want the coach being forced into breaks.
IT	Illustrative comment no 8	Passenger transport differs from freight because it involves fewer driving hours which are distributed over a global working day / daily spread-over longer than that in the freight segment.
IT	Illustrative comment no 9	Differences between the two segments are many. Driving hours in the freight sector are higher within the daily spread-over: revision should involve the ratio between hours driven and the daily spread-over.
LT	Illustrative comment no 10	While driving coaches the total driving time needs to be longer because of the downtimes. Also for some more reasons, such as traffic jams, that might even cause exceeding total working hours as we have to drive to the end of the planned route.
LT	Illustrative comment no 11	I think that the main difference is that we drive people and therefore we must have a good rest and be ready for work.
RO	Illustrative comment no 12	In the case of both international regular and occasional services operated in double-manned vehicles, weekly rest should be of 24 hours instead of 45 hours. Flexibility would be required to adapt the provisions of Regulation (EC) No 561/2006 to actual operational and working conditions.
RO	Illustrative comment no 13	Uniform application of Regulation (EC) No 561/2006 across all Member States should be secured. This would avoid situations occurring in some countries where spending weekly rest periods onboard of the vehicle's cab is not allowed, even though the vehicle has sleeping facilities.
SE	Illustrative comment no 14	Due to the fact that my bus is full of passengers it would be good if there is more flexibility on how long I can drive before taking a break. With passengers it is hard to stop just anywhere, and preferably I like to stop at a regular stop.

⁶⁷ All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE EXAMPLE	DESCRIPTION
SE	Illustrative comment no 15	Problems with planned rest areas when there are traffic obstructions.
SE	Illustrative comment no 16	That it is more often timetable-bound and that consideration must be given to the passengers' requirements.
SE	Illustrative comment no 17	We are driving persons with special wishes and demands, and we have to give them good service.
SE	Illustrative comment no 18	I experience driving times and rest periods as being more important than keeping to speed limits! I become very stressed knowing that I can be given such high fines for the slightest mistake. In Sweden the fines are too high! It is no longer fun being a bus driver - I'm stressed out of my mind all the time about not making mistakes in connection with "driving times and rest periods"!
SE	Illustrative comment no 19	If I am 7 minutes from the garage when my 4.5 h shift is finished, then I must stop for 45 minutes before I can drive to the garage and park the coach and am permitted to go home and have rest-time. I miss the flexibility.
SE	Illustrative comment no 20	The drivers are getting so stressed in their ambition to follow present rules so they become tired. If there was more flexibility in the rules the drivers would feel better, drive more safely and be more concentrated, instead of hunting minutes.
UK	Illustrative comment no 21	Doing very little actual driving during a full working day such as when on tour or doing an excursion or school contract.
UK	Illustrative comment no 22	Truck drivers actually drive for a living, much of our time is spent as free time at destination, therefore we do not need the same rest periods as truck drivers.

Table B-8: Extended list of translated illustrative examples submitted by drivers to clarify/explain their assessment of the overall evaluation of the requirements on daily rest and daily spread-over⁶⁸

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
BE	Illustrative comment no 1	Long interruptions between driving times, long days but little driving.
BE	Illustrative comment no 2	Real driving time is not a problem, Duty time on the contrary is one as we are more standing still than driving.
BE	Illustrative comment no 3	As coach driver we visit permanently tourism attractions (stopping/resting). This compromises regularly the duty time but the maximum driving time is never reached.
BE	Illustrative comment no 4	People need rest periods. If the working time expands on longer distances more rest periods can be given to the passengers aboard.
BE	Illustrative comment no 5	A duty time of 16H would solve a lot of problems. Sometimes you cannot get back with a duty time of 15H.

⁶⁸ All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
DE	Illustrative comment no 6	Driving and rest times rules for coach drivers should be treated in a more flexible way, since we have a lot of downtimes off the road (resting period). Tight driving time regulations could lead to an offensive driving style which does not benefit road safety.
DE	Illustrative comment no 7	Most of the driving time for the day is clearly under 9 hours, the average being 6 or often 3 hours only (due to many stops at sites for sightseeing). Nevertheless, after 6 daily driving periods a 45 hour rest time is mandatory.
DE	Illustrative comment no 8	Commonly long shift times with driving times from 6-8 hours.
DE	Illustrative comment no 9	Especially daily rest periods require more flexible regulations.
IT	Illustrative comment no 10	In calculating the daily working time one should consider the actual number of hours spent on driving within the daily duty period: often we exceed the maximum daily spread-over while standing still all day long.
IT	Illustrative comment no 11	Daily rest and flexible splitting of the daily worked hours during a 2-week duty period.
IT	Illustrative comment no 12	Unlike drivers of goods vehicles, drivers of buses/coaches drive a few hours to reach a destination, then remain inactive all day long waiting for tourists to complete their excursions.
IT	Illustrative comment no 13	It would be appropriate to make more flexible the relationship with the customers while keeping the same of safety.
LT	Illustrative comment no 14	Daily rest period should be 11 hours without the possibility of reducing it to 9 hours, the total time should be prolonged to 16 hours.
LT	Illustrative comment no 15	The existing ones are ok.
SE	Illustrative comment no 16	Since we have seasonal variations, it would be good if during certain periods we could postpone the weekly rest period. It is often the case that we have work for 7 days but not on the 8th day, so drivers could take their weekly break on the 8th day instead. Weekly rest is perhaps not the greatest problem, since it can in some way be planned for, but it would be good to be able to postpone it for a day or so every now and then.
SE	Illustrative comment no 17	In general the rules are good but with more flexibility one can more easily take into consideration delays due to things happening on the road and weather conditions.
SE	Illustrative comment no 18	Have a little more flexibility when it comes to driving times since it is external circumstances that control the type of road surface, passengers, etc.
UK	Illustrative comment no 19	15 hours single manned is already too much, we are only human, plus we then have to drive home.
UK	Illustrative comment no 20	School runs generally start at 8am for an hour and 3.15pm for an hour, if that is all I do during the day I cannot then do a theatre trip in the evening of 6.30pm till 7.30pm, wait until 10.00pm for them to come out, only for them to be 5mins later than stated finishing, meaning that I finish work at 11.05pm which is illegal at the moment, yet I have only worked a 4.05-hour day which is hard to make a living on!
UK	Illustrative comment no 21	A 16 hr spread-over would reduce stress on drivers by relieving some of the time limit pressures currently experienced which leads to "racing" against them. Customers would be able to enjoy a more relaxed day and lower cost as the need for a second driver could often be avoided. Double Manning Rules should allow 22 hrs duty as per previous Rules.

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
UK	Illustrative comment no 22	If a 16-hour day was introduced you should have 12 hours off before starting work again.

Table B-9: Extended list of translated illustrative examples submitted by drivers to clarify/explain their assessment of the overall evaluation of the requirements on weekly rest⁶⁹

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
DE	Illustrative comment no 1	Previous regulations for rest periods were better.
IT	Illustrative comment no 2	Key to secure safety is compliance with the requirement of the 24-hour weekly rest taken within the 7th day. As for the 45 hours, there should be more flexibility, always taking into account the calculation of the actual working hours.
LT	Illustrative comment no 3	In case of a long drive abroad with two drivers, sometimes the customer demands to reduce the resting periods during the day in order to save time for the overnight in hotels.
LT	Illustrative comment no 4	No objections, everything is ok.
RO	Illustrative comment no 5	Taking a 45-hour weekly rest standing still in a parking area does not guarantee a proper rest but, conversely, creates frustration and boredom that is caused by the need of filling the time with other activities.
RO	Illustrative comment no 6	Replacing the 45-hour weekly rest with a 24-hour mandatory rest. The 45-hour weekly rest should apply only once the service has been operated but regardless its duration.
RO	Illustrative comment no 7	The requirement of taking a 45-hour weekly rest is increasingly often taken as a reduced weekly rest period with the need to take the compensation within the third week from the week in which the reduced weekly rest has been taken. This new operational conditions has compelled operators to use a greater number of drivers to meet demand and, therefore, has implied the need to hire supplementary (reserve) second drivers that has led to an increase in costs and a clear reduction in profits.
RO	Illustrative comment no 8	The day of rest that is not taken as part of a 45-hour weekly rest period should be taken immediately the day after. In case of long trips, for a number of reasons, it is not always possible to reach proper resting facilities.
SE	Illustrative comment no 9	Since the transport of tourists is largely seasonal work, it would provide better chances for an improved annual income. Drivers can rest when the tourists no longer want to travel, i.e. after the 13 weeks.
SE	Illustrative comment no 10	It was more flexible before, now it is rigid as a quadrangular box.

⁶⁹ All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
UK	Illustrative comment no 11	Low driving hours should allow 6th day regular working.
UK	Illustrative comment no 12	If I have worked a week where I have only driven 2 or 3 hours per day I do not always require a full 45 hour rest. The ability to recover this over a 13 week period would aid flexibility.
UK	Illustrative comment no 13	Driving hours should be decreasing, not increasing and rest periods should be increasing, not decreasing.

Table B-10: Extended list of translated illustrative examples submitted by drivers to clarify/explain their assessment of the overall evaluation of the requirements on the 12-day derogation⁷⁰

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
RO	Illustrative comment no 1	It is necessary to take in to account that a tour by coach in Europe can last between 7 to 14 days and during this time the tours agency can have the daily program with a rented coach for this tour - reason for which it should be possible to take the daily rest cumulatively at the return. Also, it is necessary to take in to account that this derogation can be applied within the country when the tour lasts 10 days and a single driver without weekly rest, which can be taken when he returns in his home locality, can perform the daily program”
SE	Illustrative comment no 2	The 12-day rule is good but should apply for all types of passenger transport, not with certain conditions. Retain anyway a recommendation for weekly rest after 6 shifts.
SE	Illustrative comment no 3	It makes it very hard for me to go on as many international journeys as we possibly can during the holiday period. This limits the total number of tours and our earning capacity. It is important to be able to drive when people want to travel and be off when they travel less.
SE	Illustrative comment no 4	Trips abroad are positive compared with when no extensions at all were allowed. We request, however, that restrictions on international trips should be removed.
LT	Illustrative comment no 5	Had no influence.
UK	Illustrative comment no 6	There is no evidence that the previous arrangements on 12 day working had any adverse effects on safety or that the current arrangements have in any way made a contribution towards improving safety.
UK	Illustrative comment no 7	We should revert back to the previous rules. The current ones may suit the haulage industry but are very difficult to work with in passenger transport (long distance touring).

⁷⁰ All comments submitted by transport operators on this issue are also available in their original languages.

Table B-11: Extended list of translated illustrative examples submitted by drivers to clarify/explain their assessment of the overall evaluation of the requirements on breaks⁷¹

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
CZ	Illustrative comment no 1	Possibility of breaking a rest.
CZ	Illustrative comment no 2	Rests between two shifts are too long, it would be useful to split break into 15 minutes.
DE	Illustrative comment no 3	It must sometimes be made more breaks than are necessary. As a group, for example, Break of 30 minutes for breakfast lodges and then again must account for 30 minutes, although the target is only 15 minutes away.
DE	Illustrative comment no 4	By congestion-related delays often force us to once again take a half-hour break just before reaching our hotel. A 15-minute break would be perfectly adequate and understandable for our passengers.
LT	Illustrative comment no 5	Possibility to take the rest time as follows: 45; 15+15+15; 15+30; 30+15.
LT	Illustrative comment no 6	There should be no such breaks with the required (obligatory) time. It should be possible to decide what to do on the way (on the spot) depending on the situation.
SE	Illustrative comment no 7	A 15-minute break is not enough to recover.
SE	Illustrative comment no 8	There is time for a 15-minute break and the passengers must have food anyway, so in fact the break situation is solved automatically. It will be very positive if rests can be shared in 15 minutes periods.
SE	Illustrative comment no 9	With the old rules it is easier to allow breaks so that passengers can stretch their legs and smokers can indulge.
SE	Illustrative comment no 10	As I wrote, so that it is possible to divide the break into 3 parts of 15 minutes each time or take it all at once. Sometimes it could be a better idea to have the shorter break of 15 minutes at the end instead of 30 minutes, so change it to 3 parts of 15 minutes instead.
SE	Illustrative comment no 11	During the summer when there is a lot to do it can be so tight between the missions, so it is difficult to take more than 30 minutes rest time. So, more flexibility with the rest times would be good.
UK	Illustrative comment no 12	The "15 + 30" rule is too restrictive. It is sometimes better to take a 30-minute break before picking up passengers, with a 15-minute break en route to get them to their destination without having to waste their time whilst the current driver's break is completed.
UK	Illustrative comment no 13	Revert to the 3 x 15 minute breaks to allow greater flexibility.
UK	Illustrative comment no 14	With passengers a break is often longer than 15 min but maybe shorter than 45. Often we do not get to a full 4.30 drive limit but will have had several shorter breaks at suitable tourist attractions.

⁷¹ All comments submitted by transport operators on this issue are also available in their original languages.

Table B-12: Extended list of translated illustrative examples submitted by drivers to clarify/explain their assessment of the overall evaluation of the requirements on double manning⁷²

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
DE	Illustrative comment no 1	As mentioned above, the layer period must be extended, so that you can make reasonable breaks at full utilization of the 2 * 10h driving time. The control devices must be provided with a switch for the driver to change any unnecessary organization time wasted (or another solution: Map 1 out, map 2 out, map 2 pure Map 1 takes purely on 3Minuten Are at 4 Jump 12min, at 8 Jump (2 hours driving time are simply more realistic) 24min! For nothing!
DE	Illustrative comment no 2	The security shall not be affected by this measure - but as a driver and in programming results in significant relief.
DE	Illustrative comment no 3	The constant presence of both driver means for the driver that they need to spend more time working and more peace in the bus. (No argument for safer or more rest for the driver).
DE	Illustrative comment no 4	Negative examples of the effects of regulation: 1) 2 day trip with Two Crew Driver: Driver 1 runs from 7:00 clock in total 6 hours into the target area... Arrival by 17 clock at the hotel. Dinner at the hotel. Group travels u, 19.00 clock to the theatre and back to the hotel. Return to the hotel 23.00 clock (shift time for both drivers together = 16 h driver 1 has to drive with driver 2 to the theatre and back, although it would be better rested when he would stay at the hotel improvement. In two-driver crew of a can of the 4, 5-hour driving time sections be occupied by only one driver.
DE	Illustrative comment no 5	The restriction that the 2nd driver must climb after an hour and, above all, by the end of the journey must be in the vehicle, the scheme being inflexible. It should at least be given to the possibility that the 2nd driver can leave the vehicle within the last 4.5-hour period.
DE	Illustrative comment no 6	Since we ourselves can apply it very rarely I could live with both solutions. However, for companies where this regularly use a proposed revision would certainly advantageous.
DE	Illustrative comment no 7	It is intended for an additional driver advantageous if he does not have to be always present in person, as it can take a longer rest period. Why is this good? A second driver could still climb later, or sooner leave the bus in order to take his rest at an earlier date can
DE	Illustrative comment no 8	Why should a driver drive alone only the first hour after his service starts? My domicile is situated approximately two hours far from my place of work and some journeys are operated in its surroundings. Why should I remain on board of the vehicle and losing two hours of rest?
RO	Illustrative comment no 9	Driving in a crew to start in case of international transports by regular services to be performed only from the border of the country of departure and until de border, to be possible that the driving to be performed by a single driver.
SE	Illustrative comment no 10	If Driver 2 is allowed to embark no later than 1 hour after start of the journey, Driver 2 should also be allowed to disembark at the earliest 1 hour before the end of the journey. 10 hours' day rest.

⁷² All comments submitted by transport operators on this issue are also available in their original languages.

MEMBER STATE	ILLUSTRATIVE COMMENT	DESCRIPTION
SE	Illustrative comment no 11	Sometimes we must drive to our garage and meet there when we are going to be the second driver, instead of being picked up where we live, if this is outside the route for the tour.
UK	Illustrative comment no 12	There is no evidence that the previous arrangements on 12 day working had any adverse effects on safety or that the current arrangements have in any way made a contribution towards improving safety.
UK	Illustrative comment no 13	This would provide useful flexibility as the first and last hours of duty usually involve "positioning" journeys with no passengers on-board.

Annex C: Fatigue-related scenarios

Annex C, from Table C-1 to Table C-4, summarises the parameters entered and the results obtained with modelling the fatigue-related and risk-related scenarios on the 12-day derogation and on the weekly rest periods.

Table C-1: Overview of the parameters entered and the results obtained with modelling the fatigue-related scenarios for the 12-day derogation according to Regulation (EC) No 561/2006 requirements, the IRU proposal for revision and the EP amendment.

STANDARD ASSUMPTIONS			
Daily working reference time	From 7h to 19h		
Daily resting reference time	From 19h to 7h		
The workload and/or work pace of the job is typically:	Moderately undemanding, some spare capacity.		
The job typically requires continuous attention:	Some of the time		
How frequently are rest breaks typically provided OR taken?	3h		
What is the typical average length of these breaks that are provided or taken?	2h		
What is typically the longest period of continuous work before a break?	4h 30m		
What is typically the length of the break taken after this longest period of continuous work?	1h		
What is the typical commuting time of employees to OR from work?	20m		
RESULTS (All scenarios are based on working 7h to 19h and resting 19h to 7h)	MIN	MAX	AVERAGE
Current requirement of Regulation (EC) No 561/2006 (as amended):	0.8	20.4	12.6
IRU proposed revision: 12 days on, 4 days off	0.8	20.7	12.3
EP amendment option: 12 days on, 2 days off, 12 days on, 3 days off	0.8	20.9	13.7

Table C-2: Overview of the parameters entered and the results obtained with modelling the risk-related scenarios for the 12-day derogation according to Regulation (EC) No 561/2006 requirements, the IRU proposal for revision and the EP amendment.

STANDARD ASSUMPTIONS			
Daily working reference time	From 7h to 19h		
Daily resting reference time	From 19h to 7h		
The workload and/or work pace of the job is typically:	Moderately undemanding, some spare capacity.		
The job typically requires continuous attention:	Some of the time		
How frequently are rest breaks typically provided OR taken?	3h		
What is the typical average length of these breaks that are provided or taken?	2h		
What is typically the longest period of continuous work before a break?	4h 30m		
What is typically the length of the break taken after this longest period of continuous work?	1h		
What is the typical commuting time of employees to OR from work.	20m		
RESULTS (All scenarios are based on working 7h to 19h and resting 19h to 7h)	MIN	MAX	AVERAGE
Current requirement of Regulation (EC) No 561/2006 (as amended): 12 days on, 3 days off, 12 days on, 4 days off	0.8	1.3	1.1
IRU proposed revision: 12 days on, 4 days off	0.8	1.3	1.1
EP amendment option: 12 days on, 2 days off, 12 days on 3 days off	0.8	1.3	1.1

Table C-3: Overview of the parameters entered and the results obtained with modelling the fatigue-related scenarios for the weekly rest periods according to Regulation (EC) No 561/2006 requirements and the IRU proposal for revision.

STANDARD ASSUMPTIONS			
Daily working reference time	From 7h to 19h		
Daily resting reference time	From 19h to 7h		
The workload and/or work pace of the job is typically:	Moderately undemanding, some spare capacity.		
The job typically requires continuous attention:	Some of the time		
How frequently are rest breaks typically provided OR taken?	3h		
What is the typical average length of these breaks that are provided or taken?	2h		
What is typically the longest period of continuous work before a break?	4h 30m		
What is typically the length of the break taken after this longest period of continuous work?	1h		
What is the typical commuting time of employees to OR from work.	20m		
RESULTS (Scenarios based on working 7h to 17h and resting 17h to 7h)	MIN	MAX	AVERAGE
Current requirement of Regulation (EC) No 561/2006 (as amended): 5 days on, 2 days off (regular weekly rest)	0.7	12.0	6.9
Current requirement of Regulation (EC) No 561/2006 (as amended): 5 days on, 2 days off, 6 days on, 1 day off (reduced weekly rest with compensation)	0.7	14.6	7.8
IRU proposed revision: IRU - 5 days on, 2 day off, 6 days on, 1 day off	0.7	14.5	7.0
RESULTS (Scenarios based on working 7h to 19h and resting 19h to 7h)	MIN	MAX	AVERAGE
Current requirement of Regulation (EC) No 561/2006 (as amended): 5 days on, 2 days off (regular weekly rest)	0.8	13.6	8.1
Current requirement of Regulation (EC) No 561/2006 (as amended): 5 days on, 2 days off, 6 days on, 1 day off (reduced weekly rest with compensation)	0.8	16.6	9.3
IRU proposed revision: IRU - 5 days on, 2 day off, 6 days on, 1 day off	0.8	16.5	8.4

Table C-4: Overview of the parameters entered and the results obtained with modelling the risk-related scenarios for the weekly rest periods according to Regulation (EC) No 561/2006 requirements and the IRU proposal for revision.

STANDARD ASSUMPTIONS			
Daily working reference time	From 7h to 19h		
Daily resting reference time	From 19h to 7h		
The workload and/or work pace of the job is typically:	Moderately undemanding, some spare capacity.		
The job typically requires continuous attention:	Some of the time		
How frequently are rest breaks typically provided OR taken?	3h		
What is the typical average length of these breaks that are provided or taken?	2h		
What is typically the longest period of continuous work before a break?	4h 30m		
What is typically the length of the break taken after this longest period of continuous work?	1h		
What is the typical commuting time of employees to OR from work.	20m		
RESULTS (Scenarios based on working 7h to 17h and resting 17h to 7h)	MIN	MAX	AVERAGE
Current requirement of Regulation (EC) No 561/2006 (as amended): 5 days on, 2 days off (regular weekly rest)	0.7	0.9	0.8
Current requirement of Regulation (EC) No 561/2006 (as amended): 5 days on, 2 days off, 6 days on, 1 day off (reduced weekly rest with compensation)	0.7	0.9	0.8
IRU proposed revision: IRU - 5 days on, 2 day off, 6 days on, 1 day off	0.7	0.9	0.8
RESULTS (Scenarios based on working 7h to 19h and resting 19h to 7h)	MIN	MAX	AVERAGE
Current requirement of Regulation (EC) No 561/2006 (as amended): 5 days on, 2 days off (regular weekly rest)	0.8	1.0	0.9
Current requirement of Regulation (EC) No 561/2006 (as amended): 5 days on, 2 days off, 6 days on, 1 day off (reduced weekly rest with compensation)	0.8	1.1	0.9
IRU proposed revision: IRU - 5 days on, 2 day off, 6 days on, 1 day off	0.8	1.1	0.9

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