

Driving and rest-time rules

The Bundesverband Deutscher Omnibusunternehmen (bdo) e.V. is the umbrella organisation of the German bus industry and represents the interests of around 3,000 private and medium-sized companies in the areas of local passenger transport, bus tourism and long-distance bus transport vis-à-vis politicians and the public.

I. Initial position

Regulation (EC) No. 561/2006 regulates driving times and rest-time rules in the transport sector for coaches and trucks. A legislative initiative of the European Commission is currently underway to develop a specific driving and rest-time regulation for occasional passenger transport by coach. The reason for changing the regulation is based on the realisation that a uniform driving and rest-time regulation, covering both the occasional passenger transport and the transport of goods by the means of heavy goods vehicles, do not correspond with the actual needs of the passengers and driving personnel of the occasional passenger transport. This situation can potentially jeopardise road safety. The regulation in its current form fails to address the specific needs and the job profile of coach drivers. In addition, a common sense-based approach would indicate that occasional passenger transport of passengers cannot be equated to the transport of goods by the means of heavy goods vehicles. The bdo therefore welcomes the efforts of the EU Commission to take into account the special features of the occasional passenger transport sector. After all, when it comes to the occasional passenger transport sector, the needs of drivers, passengers and road safety remain the main focus.

Further details in this matter:

II. Implementation of the 12-day rule for domestic trips within Germany

At present, the so-called 12-day rule for occasional passenger transport by coach is limited to international passenger transport only ([Art. 8\(6a\) of Regulation \(EC\) No 561/2006](#)). bdo has always strongly criticised this part of the regulation, as it does not achieve the purpose of the regulation as a whole. For instance, whether a trip by coach is purely domestic or entails crossing a border will usually have very little effect regarding road safety. However, the last few years have shown that both companies and passengers in Member States with a large surface area, such as Germany, have been enormously disadvantaged by this regulation. After all, many journeys are purely domestic in nature and are undertaken within Germany. bdo therefore welcomes the extension of the scope of application to domestic occasional passenger transport, as proposed by the EU Commission. With this extension, the currently existing distortions when it comes to competition between international and domestic providers may well be eliminated effectively. The current restriction to cross-border transport puts German coach tourism operators at a disadvantage compared to their foreign competitors.

At present, there is an obligation on the coach driver to make up for the "deferred" weekly rest period immediately, making use of the 12-day rule to the extent of either 90 hours or 69 hours. Strictly speaking, drivers must take two regular weekly rest periods, totalling 90 hours per month. Alternatively, these regular weekly rest periods may be divided into one regular (45 hours) and one reduced (24 hours), for a total of 69 consecutive hours. The compensation for the rest period applies to all journeys that exceed the time-period of 6x24 hours (= application of the 12-day rule). The bdo is in favour of re-evaluating the obligation to make up for the "deferred" weekly rest period. Regrettably, the current version of the

regulation does not take sufficient account of the seasonal nature of the coach tourism business. The bdo therefore proposes a flexible solution, whereby the compensation for the rest period ought to be completed no later than 3 weeks after the end of the deferral.

III. Improvement of the regulation regarding breaks

After a driving time of 4.5 hours, a driver must take a break of at least 45 minutes break. Although this time can be split, the sequence is prescribed mandatorily. At first, a 15-minute break must be taken, followed by 30 minutes ([Art. 7 Regulation \(EC\) No 561/2006](#)). This rigid requirement is rather impractical, as it fails to consider the needs of drivers and passengers. The breaks must often be taken at rather unattractive stops on the route or. In order to avoid this in the future, the breaks must be brought forward in time.

The bdo proposes that the drivers themselves should be allowed to determine the order as well as the length of the breaks (e.g. 15:30 and 30:15 or 15 minutes, 20 or 25 minutes). This would enable the drivers to better respond to passenger needs and adapt to possible traffic conditions (e.g. traffic jams or overcrowded rest areas). In sum, such a provision would not only reduce the workload of the coach drivers, but would also increase both road safety and working conditions for the drivers. As an additional benefit, the passenger comfort is increased.

IV. Possibility to postpone the start of the daily rest period

The proposal of the EU Commission permits coach drivers to postpone the beginning of the daily rest period by one or two hours and subject to the condition that the respective total daily driving time is (of 7 or 5 hours) ([Art. 8 new para. \(2 a\)-E](#)). The total duration of the journey must be 8 days, and the derogation may only be used once during a coach trip lasting for the minimum of 8 days.

However, most tourism travel by coach are shorter than 8 days. The average distance of a tourist trip is 300 km or has a duration of 4.5 hours. The purpose of a typical coach tour is to visit touristic sights or other tourist attractions where the bus is not needed, and the driver is not on duty, and has free time on his hands.

On the other hand, it may happen that the travel schedule lasts longer than planned, such as a concert visit or a meal at a restaurant. As things stand, in such cases, the planned programme is terminated early in order to enable the coach driver to return to the hotel in time for his daily rest period. Such an abrupt end to the travelling schedule does not tend to go down well with the passengers and leads to a negative experience and discontent towards staff. This, in turn, increases the stress factor for drivers. Particularly, on a one-day excursion (e.g., 7–11 p.m. or 8–24 a.m.), drivers are often on the road for a few hours and spend most of their working time waiting for their passengers. Such a leeway would allow for a reduction in the time pressure on the coach driver and ensure the transport of the passengers in case of unforeseen circumstances. Therefore, the bdo pleads for an adjustment of the regulations in order to enable coach drivers to react adequately to unforeseen circumstances on the spot or throughout the journey and to address the individual needs of the passengers in a timely manner.

The bdo therefore pleads for the revision and adjustment of the regulation. In bus tourism, it should generally be possible to postpone the start of the daily rest period by 1 hour once a week if the total driving time on this day does not exceed 7 hours. The creation of this under the condition that the total driving time of 7 hours is not exceeded is logical and, from the point of view of the bdo, to be supported. Moreover, a weakening of road safety with this special regulation is ruled out by the regular weekly rest period before and a double weekly rest period afterwards.

V. Adjustment of weekly rest period

The bdo advocates extending the derogations regarding weekly rest periods that already apply to driver personnel in cross-border freight transport to driver personnel in national passenger transport. Accordingly, coach drivers should be allowed to take two consecutive reduced weekly rest periods (2x24 hours). The prerequisite for this is, however, that the drivers ought to have taken at least four weekly-rest-periods in four consecutive weeks, of which at least two are regular weekly rest periods. Such a derogation would enable coach operators to better respond, for example, to seasonal and short-term demand in the tourism business. There is also no apparent reason why this regulation has so far been reserved exclusively for drivers in the freight transport sector.

VI. Improving the emergency rule in exceptional circumstances

The EU regulation ([Art. 12 of Regulation \(EC\) No 561/2006](#)) allows, in exceptional circumstances, coach drivers to exceed the maximum permitted driving time and to postpone breaks as well as rest periods in order to ensure the safety of passengers, the vehicle or the load. The emergency regulation was only written with the specific needs of the drivers in the freight transport sector in mind. The bdo pleads for the emergency regulation to be adapted for passenger transport. Therefore, the bdo proposes to add further wording to Article 12 in order to allow operators of occasional passenger transport to react to exceptional situations occurring during the journey (e.g. accidents, bad weather, traffic jams) while adequately taking into account the needs of passengers. It is important that the aspect of safety in occasional passenger transport is complemented by that of the passenger well-being. In this way, delays on day trips, which often involve a late return journey to the hotel, can be legally be accommodated for the purpose of passenger well-being.

VII. Conclusion

The aim is to create a legally sound and SME-friendly conditions for the private passenger transport sector. The opening of the driving and rest time rules should by no means undertaken at the expense of safety or by scarifying rest periods of the coach drivers. After all, road safety and sound working conditions remain top priority for all bdo member companies.

The bdo is convinced that the EU Commission's proposals and the bdo's amendments will improve the social conditions for coach drivers and at the same time increase passenger satisfaction as well as the quality of service. At present, bus drivers are under constant pressure to comply with the driving and rest time regulations, which are principally designed for the freight transport sector. This holds true regardless of whether the human needs of passengers can be accommodated. This leads to unnecessary stress for the coach drivers. An early termination of a planned schedule and important parts of a trip, such as visits to museums, restaurants, etc., due to unsuitable legal requirements also has consequences for the booking behaviour of the passengers for bus trips in the future. Thus, Passengers tend to be deterred from future trips by their previous negative experience. In this respect, the bdo welcomes the legislative initiative and the early involvement of politicians in order to bring about meaningful improvements for the coach drivers and passengers.

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