Support study for an impact assessment for a possible revision of Regulation (EC) No 561/2006 on driving times, breaks and rest periods of road transport workers

Final Report
Annexes

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February 2023

Submitted in February 2023.
No MOVE/C1/SER/2020-556/SI2.850002 implementing framework contract No MOVE/A3/2017-257

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Directorate-General for Transport and Mobility
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Luxembourg: Publications Office of the European Union, 2023

ISBN: 978-92-68-02172-9
doi: 10.2832/109842

Contents

List of figures

List of tables

Abbreviations and acronyms

ACEA	European Automobile Manufacturers' Association
AETR	European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport
CONFEBUS	Confederación Española de Transporte en Autobús
CORTE	Conassociation of Organisations in Road Transport Enforcement
COVID-19	Coronavirus disease 2019 SARS-CoV-2
CPC	Certificate of professional competence
DG MOVE	Directorate General for Transport and Mobility
ECR	Euro Contrôle Route
EPTO	European Passenger Transport Organisation
ETF	European Transport Workers Association
ETSC	European Transport Safety Council
EU	European Union
EU-OSHA	European Agency for Safety and Health at Work
EWCS	European Working Conditions Survey
FeSMC-UGT	Federación de Servicios, Movilidad y Consumo - Unión General de Trabajadores de España
FSC-CCOO	Federación de Servicios a la Ciudadanía - Comisiones Obreras
GVA	Gross Value Added
IA	Impact assessment
ISSG	Inter-service steering group
IRU	World Transport Organization
ITF	International Transport Forum
OECD	Organisation for Economic Co-operation and Development
PRM	Persons with Reduced Mobility and other disabilities
ROADPOL	European Roads Policing Network
SME	Small and medium-sized enterprises
SWOV	Institute for Road Safety Research
TIS	Consultores em Transportes Inovação e Sistemas, S.A.
ToR	Terms of Reference
TUI	Touristik Union International
UNECE	United Nations Economic Commission for Europe

1. Sector analysis

1.1 Scope and methodology

The desk research has a pivotal role in the study, supporting all strands of the analysis. This entails both evidence on the current situation that can feed into the problem definition and information that can be used to define assumptions for the forward-looking assessment of impacts. On the one hand, obtaining usable data on certain issues from existing sources has allowed us to explore and discover new topics relevant for the subject under review. On the other hand, it has also enabled us to avoid asking about these same issues via the consultation activities (which are more resource-intensive), and thereby organise the work more efficiently. In this way, the desk research has played an integral, horizontal role in the development of the study methodology and progress is demonstrated throughout the report.

Before presenting the results of the analysis, we need to point out a key limitation, namely that literature sources only marginally refer to the particular case of the occasional transport services and data sources (either public or privately-owned) with detailed, comparable information on *occasional* bus and coach transport are very scarce. The lack of literature and data can be partly explained by the sub-sector's limited size. It is also due to the highly fragmented nature of the sector[1], coupled with the lack of specific sectoral regulations, both of which reduce the need for national authorities to collect granular information. Nevertheless, it was important to take stock of the available information and identify to what extent it was representative of or could be extrapolated to cover the occasional transport sub-sector. This in turn helped to structure the evidence and determine which aspects could rely on previously existing sources and which aspects needed to rely on input from stakeholders. Due to the scarcity of data specifically on occasional transport, much – but not all – of the analysis covers the bus and coach sector more broadly.

All in all, this section focuses on the relevant key findings from two parts of the desk research, namely **analyses of (1) the market for occasional bus and coach services** and an overview of the **(2) social aspects** of the sector.

1.2 Key findings

1.2.1 Market analysis

This section provides a summary of the market for bus and coach services in the EU and, when available, to the specific sub-sector of occasional transport[2]. It looks at the sector from several angles, namely the structure of the sector, employment, market size share by country and mode of transport, fleet characteristics and recent impacts of COVID-19 pandemic. In all cases, the information provides valuable context for the purpose of making extrapolations and inferences based on other sources.

Structure of the bus and coach market in the EU

Understanding the structure of the market is important because it provides the context surrounding the main actors and their interests. The main evidence gathered comes from the Comprehensive Study on Passenger Transport by Coach in Europe of 2016[3], which

[1] Ricardo, Milieu and TRT on behalf of DG MOVE, 2016, Ex-post evaluation of social legislation in road transport and its enforcement, Final Report
[2] The sources examined mostly cover the EU27 and the UK.
[3] European Commission, 2016, Comprehensive Study on Passenger Transport by Coach in Europe - Comprehensive Study on Passenger Transport by Coach in Europe (europa.eu).

provides information regarding the overall structure of the market in EU countries. Despite being six years old, it is still a relevant source of information with regard to several parameters. It covers all bus and coach services except for urban and rural regular services, but also points out that certain Member States use different definitions for bus and coach services, particularly between regular and occasional transport. The report also distinguishes between domestic and international market services, describes terminals[4] and discusses the conditions of inclusive access for Persons with Reduced Mobility and other disabilities (PRM).

The study considers three categories of coach services, as presented in the following table, which reflects the provisions laid down in Regulation 1073/2009.

Table 1.1: Types of bus and coach services

Type	Definition	Typical examples
Special regular services	Services which provide the carriage of passengers at specified intervals along specified routes, with passenger being picked up and set down at pre-determined stopping points, providing the carriage of specific passenger profiles to the exclusion of other passengers.	Regular / scheduled services not open to all passengers, such as: • School services serving only those attending school; and • Staff services serving only those working at designated a location.
Regular services	All other services which provide the carriage of passengers at specified intervals along specified routes, with passengers being picked up and set down at pre-determined stopping points.	Regular, scheduled services open to all passengers, e.g. inter-city services between Member States.
Occasional services	All other services, mainly characterised by the carriage of groups of passengers by the customers' own initiative or by the carrier itself.	Multi-day visits or tours requested by a customer or offered by a carrier. Excursions or day-trips requested by a customer or offered by a carrier. Local excursions or day-trips offered to those already on a multi-day visit or tour.

Source: Adapted from European Commission, 2016, Comprehensive Study on Passenger Transport by Coach in Europe - Comprehensive Study on Passenger Transport by Coach in Europe (europa.eu)

In terms of market size and share, according to the EU Statistical Pocketbook[5], in 2019, the transport and storage services sector represented around 624 billion in Gross Value Added (GVA), which accounts for 5% of GVA in the EU-27; the data only includes companies whose main activity is business transport-related, while private transport operations are not included.

Importantly, **Eurostat database does not contain any specific information on occasional services regarding enterprises**. Rather, the closest available proxy is "Other passenger transport". However, this category also includes scheduled long-distance bus services[6]. The table below presents the figures in detail, showing that in 2018 the category of "Other passenger transport" accounts for about 2.3% of "Transport and

[4] A bus terminal, or terminus, is the point where a bus route starts or ends, where vehicles stop, turn or reverse, and wait before departing on their return journeys. It is also where passengers board and alight from vehicles. It also often provides a convenient point where services can be controlled from. Bus Stations and Terminals (ppiaf.org)

[5] European Commission, 2021, EU transport in figures, statistical pocketbook 2022, https://op.europa.eu/en/publication-detail/-/publication/14d7e768-1b50-11ec-b4fe-01aa75ed71a1

[6] Eurostat, 2021, Annual detailed enterprise statistics for services - Eurostat - Data Explorer (europa.eu)

storage", or EUR 22 billion. This varied from the highest share (6.8%) in Croatia, to just 0.6% in Latvia.

Table 1.2: Total purchases of goods and services – million euros

	Transport and storage		Other passenger land transport		% of Other in terms of Transport and Storage	
GEO/TIME	2018	2019	2018	2019	2018	2019
EU27 (from 2020)	940 623		22 041		2.3%	
BE	31 658	35 700	287	357	0.9%	1.0%
BG	6 407	6 675	149	157	2.3%	2.4%
CZ	19 383	19 659	410	467	2.1%	2.4%
DK	46 646	46 890	303	36	0.7%	0.7%
DE	228 018	223 106	2 422	2 285	1.1%	1.0%
EE	4 568	4 219	98		2.1%	
IE	12 746	18 878				
EL	9 391	9 736	564		6.0%	
ES	73 986	78 990	2 351	2 391	3.2%	3.0%
FR	137 061	141 921	5 988	5 637	4.4%	4.0%
HR	3 241	3 365	221	208	6.8%	6.2%
IT	104 232	105 582	2 154	2 242	2.1%	2.1%
CY	2 322	2 504	19	21	0.8%	0.8%
LV	4 161	4 154	24	25	0.6%	0.6%
LT	8 002	8 750	57	71	0.7%	0.8%
LU	4 750	4 727	201	178	4.2%	3.8%
HU	14 077	14 479				
MT	1 788	2 186		49		2.3%
NL	61 893	64 409				
AT	31 026	30 790				
PL	47 206	50 562	1 164	1 226	2.5%	2.4%
PT	14 813	15 769	464	501	3.1%	3.2%
RO	15 021	15 971	519	504	3.5%	3.2%
SI	4 151	4 278	131	129	3.1%	3.0%
SK	7 262	7 322	137	143	1.9%	2.0%
FI	15 170	15 641	252		1.7%	
SE	31 621	32 113	299	299	0.9%	0.9%
IS	2 634		116		4.4%	
NO	30 937	31 338	283		0.9%	
CH	47 744	50 323				
UK	128 565		1 825		1.4%	

Source: Adapted from Eurostat, 2021, Annual detailed enterprise statistics for services (NACE Rev. 2 H-N and S95)

Regarding the activity expressed in passenger-kilometres, there are some figures for bus and coach transport (though again with no distinction for occasional). According to the EU Statistical Pocketbook, in 2019 bus and coach transport represented 8.1% of total passenger kilometres in the EU-27, i.e. 487.5 Gpkm billion pkm. This makes bus and coach transport (importantly including intra-urban as well as other services) the second-most-used mode of transport, albeit far behind passenger cars, which represent 81.3% (i.e. 4,325 billion pkm).

In terms of **trends in modal split**, the share of buses and coaches was 10.4% in 1995 (468 billion pkm) and has been decreasing over the years. The average modal split for buses and coaches in the EU-27 in 2019 was only of 8.1%. When breaking down the modal split of passenger transport on land transport, the share for EU-27 is 9.1%. For the Member States, Hungary is the country with the highest percentage of bus and coach trips (representing 19.5%), followed by Cyprus (18.5%) and Romania (18.0%). Shares are much lower in the Netherlands, Germany and France, with 3.1%, 5.7% and 6.2%, respectively. Since these figures refer to the bus and coach sector as a whole, it is difficult to ascertain their relationship to occasional transport.

Table 1.3: Modal split of passenger transport on land (2019)

Country	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	HR	IT	CY	LV	LT	LU
PKM in %	*10.2*	*15.1*	*14.8*	*9.1*	*5.7*	*17.5*	*14.8*	*15.8*	*8.1*	*6.2*	*13.1*	*11.4*	*18.5*	*11.9*	*8.4*	*12.5*

Country	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	IS	NO	CH	UK	EU27
PKM in %	*19.5*	*17.1*	*3.1*	*9.4*	*11.8*	*7.1*	*18.0*	*11.7*	*15.8*	*9.8*	*7.1*	*11.2*	*5.9*	*5.1*	*4.0*	9.1

Source: European Commission, Table 2.3.3. Statistical Pocketbook 2022 – EU Transport in Figures

Turning to **the data that is available on occasional bus and coach transport**, this was often patchy, hard to verify or inconsistent. This assumption is aligned with the preliminary desk research carried out, which screened a significant number of statistical agencies (EUROSTAT, UNECE, ITF, etc), all of which applied different taxonomies of occasional coach services. Moreover, it is worth mentioning that some figures from these databases do not exactly correspond to those found in the national databases of EU Member States, EEA-EFTA countries, Switzerland and the UK.

However, data extracted from the United Nations Economic Commission for Europe (UNECE) databases has allowed us to find some generally consistent data on passenger numbers and / or passenger kilometres for 15 Member States for the specific subsector of the occasional bus and coach transport[7]. This was then used to make the extrapolations about the evolution of the baseline scenario, which is discussed further in Annex 4.

The national statistics agencies give additional clues on how big the occasional transport sector is. In Spain[8], occasional bus transport accounts for 22% of the overall revenue of bus and coaches in the country. The national statistics agencies allow us to infer that the market for bus and coach services is larger in typical tourism destinations such as Spain. For instance, occasional transport represents 4.3%[9] of the total number of passengers transported by public transport in Spain for 2019. On the other hand, in Portugal, occasional domestic services of bus and coaches represented 2.8%[10] of national road transport (accounting for 14.5 million passengers) in 2017 and 1.18%[11] (in 2018) of national transport in Germany.

It is important to point out that the figures from the official agencies referred to above are defined differently and thus are difficult to compare. For instance, the share of Spain refers to the total number of passengers by public transport (including international passengers) while for Portugal it refers only to domestic services. As explained in the baseline section (see Annex 4), there was a necessity to use the same indicator for comparison. This indicator was the number of passengers on occasional national transport and its share on the national transport. With this indicator we have estimated an average market share of national occasional bus and coach passenger transport in relation to the overall national bus and coach sector – the calculations and assumptions are explained in Section 4– of 3.31% for the European Union.

Furthermore, the data that the team was able to collect (and to present in the baseline section) regarding the number of passengers of the sector and sub-sector (expressed in

[7] Austria, Croatia, Czech Republic, Estonia, Finland, Germany, Hungary, Lithuania, Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden (data from UNECE database, updated with information until 2019 and from Comprehensive Study on Passenger Transport by Coach in Europe (europa.eu, 2016))

[8] CONFEBUS, 2019, El bus, una visión de presente y futuro: Liderando el cambio de rumbo para la movilidad sostenible de las personas. Memoria-ElAutobusEnEspana_2019.pdf (confebus.org)

[9] Notas de prensa de INE (Instituto Nacional de Estadística) - Notas de prensa de INE

[10] INE Statistics Portugal, 2017, Estatísticas dos Transportes e Comunicações, Portal do INE

[11] UNECE, Bus and coach statistics by Topic, Type of activity, Country and Year, https://w3.unece.org/PXWeb2015/pxweb/en/STAT/STAT__40-TRTRANS__02-TRROAD/05_en_TRBUSCOACH_r.px/

thousand-pax), has enable us to conclude that the share of international services of bus and coach is very low in the total market. For instance, according to our estimations, the EU average share of international occasional services out of the total bus and coach sector was of 1.6% in 2018. Therefore, there seems to be currently relatively few services that can make use of derogations to Regulation 561/2006, such as the 12-day derogation, which only applies to international services.

The share of international occasional services varies significantly across Member States, representing 0.29% of the total bus and coach services in Poland, where domestic tourism seems to prevail, a slightly higher share in Estonia (2.2%) and a bigger but not significant proportion in Hungary (5.1%), where the proportion of tourists engaged in multi-country tours seems to be higher.

Fleet characterisation

The number of buses and coaches and – especially – the characteristics of the fleet may have implications for the environment and road safety. It is thus important to understand how these aspects have evolved in recent years. These aspects vary significantly by Member State, reflecting such factors as the influence of the public sector on the bus and coach market in some countries and types of services most frequently provided.

The best available evidence on fleet characteristics comes from the European Automobile Manufacturers' Association (ACEA), which provides relevant information in their annual report[12]. According to the latest report from 2020, around 684,285 buses are operating throughout the EU, almost half of which are in Poland, Italy and France. The two latter Member States are amongst the largest occasional passenger markets, whilst Poland is renowned for being a relevant bus manufacturer and exporter to foreign customers.

The average age of buses on EU roads is 12.8 years, but there is considerable diversity: Greece has the oldest fleet (19.4 years) and Austria the newest (4.9 years). Diesel buses make up 93.5% of the EU fleet, with only 1.4% comprised of hybrid electric and 0.9% battery electric; nonetheless, there are countries with a significant share of electric buses, such as Netherlands and Luxembourg (12.4% and 6.6% respectively). Furthermore, the yearly publication of the Commission's Statistical Pocketbook presents the information regarding the stock of buses and coaches, which shows a decrease in the EU of 1.6% in 2020 when comparing with 2019 of registrations.

Table 1.4: Average Age of Buses by country (2020, years)

Country	AT	BE	BG	HR	CY	CZ	DK	EE	FI	FR	DE	EL	HU	IE	IT	LV
Avg age	4.9	11.1		13.5		14.6	10.5	13.6	12	8.1	8.4	19.4	12.6	11.7	14.3	12

Country	LT	LU	MT	NL	PL	PT	RO	SK	SI	ES	SE	IS	NO	CH	UK	EU27
Avg age	14.4	5.4		9.3	15.6	14.7	18.1	11.3	10.1	11.4	6.5	14.2	9	7.9	11.4	12.8

Source: Data from ACEA, Vehicles in Use Europe 2022

Impact of COVID-19

The COVID-19 pandemic has a significant impact on the occasional transport market, which has seen demand plummet. The entire transport sector has faced great difficulties, which has had a direct impact on transport companies' revenues, limiting mobility and tourism[13].

[12] ACEA, 2022, ACEA-report-vehicles-in-use-europe-2022.pdf

[13] **Panteia and Università degli Studi Roma,** Research for TRAN Committee: Relaunching transport and tourism in the EU after COVID-19, 2021,

In this respect, the International Road Transport Union (IRU) estimated a revenue loss of up to 82% in the European bus and coach sector for tourism in 2020[14]. The International Labour Organisation[15], based on IRU research and reports, predicts that long-distance international coach services fell by 100 per cent while national long-distance have declined by 90 per cent immediately after the outbreak of the pandemic. Although there are scarce desk research sources regarding the recovery of the sector following the initial impact of COVID-19, it became evident that during the pandemic the services of occasional coaches was residual or even null. As seen in the dedicated case-studies, this trend eventually impacted more severely SMEs and individual drivers who have less liquidity and fewer opportunities to allocate manpower and their assets to other services (e.g. urban public transport) and that as result might been forced to close or open bankruptcy.

1.2.2 Social Aspects

This part of the desk research aims at providing an overview of the social aspects related to bus and coach sector. Social rules for road transport have been set up in Regulation (EC) No 561/2006 to secure a reasonable and healthy working environment for professional drivers and to contribute to the efforts of continuously improving road safety conditions by requiring professional drivers to take adequate rests and breaks. Such conditions are equally relevant for increasing the profession's attractiveness and ultimately for providing a high-quality service to passengers and ensuring fair competition conditions for road transport operators.

Once again, it is important to note that, although several sources have been consulted, they usually refer to the sector itself and do not specify on occasional bus and coach services. Consequently, interviews with stakeholders and the public consultation were very important to complement the information regarding the sub-sector. This subsection starts with an overview of aspects regarding working conditions, followed by road safety, infringements and employment conditions.

Working Conditions

ETF (the European Transport Workers' Association) has consistently emphasised[16] that the work environment in road transport is often poor. Moreover, the Association claims that, as new business models and platforms arise (such as, ´lean platforms´ in the transport sector like Uber, and coaches' platforms like Flixbus[17]), working conditions are often downgraded – with labour conditions more insecure, payments less predictable and with more demand.

A pilot study for the International Road Transport Union (IRU) on social rules[18] examined the current EU regulatory framework on driving times and rest periods in the passenger road transport sector and its impact both on the sector's business activities and on drivers'

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https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2021)690884

[14] IRU, 2019, No end in sight to pandemic-induced passenger transport crisis, https://www.iru.org/resources/newsroom/no-end-sight-pandemic-induced-passenger-transport-crisis

[15] International Labour Organisation, 2020, ILO sectoral Brief, COVID-19 and road transport

[16] ETF Report, 2018, Driven to distraction? Long-distance coach and bus drivers in the EU, https://www.etf-europe.org/wp-content/uploads/2018/09/ETF-report-on-woking-conditions-of-bus-and-coach-1.pdf.

[17] German company that owns a platform, provides administration and permission and does not own any bus or employees any drivers.

[18] TRT on behalf of IRU, 2015. A Pilot Study on Specific Driving and Rest Time Rules for Bus and Coach Drivers in the EU, https://www.transportforetagen.se/globalassets/rapporter/buss/pilot-study-on-specific-driving-and-rest-time-rules-for-bus-and-coach-drivers-in-the-eu?ts=8d98cb9e34dc900

working conditions. To understand the adequacy of the application of the current EU legislation in the overall passenger sector, the study undertook a survey in 2015 on road passenger transport companies and drivers operating in seven EU Member States (Belgium, Czechia, Germany, Italy, Lithuania, Romania, and Sweden) and the United Kingdom. Respondents were asked to express their views on two possible options (option A – "do-nothing scenario" vs. option B –" changes on the requirements laid down in Regulation (EC) No 561/2006" for five thematic items), as presented on the following table.

Despite the results presented below, it is important to mention that the sample of respondents (in terms of participants by country) is not at all well balanced among countries, with Germany, Belgium and the United Kingdom accounting for more than two-thirds of the responses in both groups of commercial transport operators and drivers. It is also worth pointing out that the survey was conducted on behalf of the International Road Transport Union (IRU), which represents transport operators and might therefore display a certain bias, even if unintentional.

Table 1.5: Comparison between options to optimise driving times and rest periods in the bus and coach industry

Item	Option A (keeping the requirements as currently laid down in Reg. (EC) 561/2006)			Option B (changing requirements as under the previous rules set in Reg. 3820/85/ECC)		
	Description	Operator appreciation	Driver appreciation	Description	Operator appreciation	Driver appreciation
Daily duty time (and daily rest)	15 hours (24 hours – 9 hours daily rest)	12%	34%	Increase to 16 hours	82%	59%
Weekly rest	45 consecutive hours (or more)	9%	36%	45 hours (regular weekly rest) and at least 24 hours taken as compensation during a 13-week reference period (if not taken during the same week)	79%	60%
12-day derogation	Two combined regular rest periods (i.e., 90 hours) or one regular weekly rest (min. 45h) The journey must be a single trip and must be spent in one Member State (or in a different country from where the journey started) at least 24 consecutive hours	13%	38%	Weekly rest could be postponed until the end of the 12th driving period and added to the second week's weekly rest period; No single trip limitation and no extra weekly rest required - extended to	78%	62%

				national occasional passenger transport and international services at EU level		
Breaks	45 min. break or at least 15min. followed by 30min. (after a driving period of 4.5h)	16%	37%	45 min. break as a whole or 3 periods of at least 15 min. each (after 4.5h of cumulative driving)	77%	68%
Multi-manning	A second driver in the vehicle is needed for each period of driving between any two consecutive daily rest periods (or between a daily rest period and a weekly rest period). For the first hour of multi-manning, the presence of another driver or drivers is optional but the remainder of the period is compulsory.	12%	39%	Single-manned vehicle for at least the first and (preferably) the last 4.5 hour driving period of the journey	81%	64%

Source: Adapted from TRT, 2015, A Study on Specific Driving and Rest Time Rules for Bus and Coach Drivers in the EU (transportforetagen.se)

The results of the survey revealed that a great majority of respondents (more prominently transport companies, but also most drivers) consider the current body of social rules to be:

- extremely relevant for road safety;
- adequate for guaranteeing healthy working conditions;
- inadequate to meet the specificities and needs of the road passenger transport segment, negatively affecting their business activity by increasing operational costs and lowering the quality of customer services, thus endorsing IRU's proposals of amendments to Regulation 561/2006.

The main conclusions of the pilot study for IRU were relevant to assess the validity of the measures under review in the current assignment. The study combined a consultation exercise involving transport operators and drivers with an assessment of the fatigue and risk index (using an index designed by the UK Health and Safety Executive[19]) for the two scenarios. The results seem to indicate that **the removal of the exceptions for the 12-day derogation and the weekly rest periods could result, in all option scenarios tested, in lower average fatigue levels.** The levels of fatigue do not seem to be affected with regard to the proposed options on break rules. These results suggest that a higher

[19] The fatigue and risk index consists of a biomathematical model whose interpretation can be found here: https://www.hse.gov.uk/research/rrhtm/rr446.htm

flexibility in arranging driving and resting patterns that would result from the proposed IRU's amendment might allow increased operational efficiency of the industry without damaging social conditions:

- On **breaks**, drivers would favour a return to the previous normative setting with the possibility of introducing a higher fractioning of the break periods (e.g. dividing the break period in up to three breaks of 15 minutes each). In their view (shared by companies), this would allow 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.

- On **daily rest** and maximum daily duty time, companies underline the risk of exceeding permitted duty hours due to unforeseen delays or the negative impacts in terms of costs.

- On the **12-day derogation**, 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. Most drivers also advocate a new regulatory setting for the 12-day derogation due to the perceived understanding that this change would improve the quality of services provided to customers.

This study also sheds light on other parameters that are relevant for describing the working conditions of occasional transport. In terms of employment status, 91% of drivers declared being employed in a private company (73% full-time and 18% part-time) while 9% being owner drivers. Another interesting though not surprising result is related with the representativity by gender in this sample of road transport, for which male drivers are completely predominant (97% of respondents).

The TRT study[20] has also focused on the **differences between freight and passenger road transport, the latter being characterised by its high seasonality, different length of trips and high standards for the service** (breaks, route planning, stopovers, etc.). Another relevant difference is the **amount of time spent driving, with road passengers' drivers driving less time continuously than road freight drivers**. Nevertheless, there are also similar issues between freight and passenger transport that need to be addressed when debating working conditions, namely drivers' fatigue. Indeed, **fatigue is considered endemic to driving,** because it is affected by the performance of monotonous tasks.

According to the TRT study and the ETF report[21], while there are many ways of defining driver fatigue, both studies agree that it is a state caused by prolonged exertion, being a condition that manifests itself physiologically, cognitively and emotionally. Fatigue can have many effects on drivers, namely loss of attention, decreased reaction time, poor speed tracking and steering control. Although the list of symptoms of driver fatigue may be longer, it is widely understood that fatigue poses a serious problem for road safety.

The ETF report shows that the main contributors to fatigue are related to working time (totalling more than 40 hours per week), irregular working schedules (with rotating and night shifts), as well as consequently irregular and interrupted sleep patterns. Moreover, drivers often work in harsh and uncomfortable environmental conditions (e.g. exposure to heat/ cold weather conditions, noise, poor road conditions, high-density traffic), which also contribute to fatigue.

[20] TRT on behalf of IRU, 2015. A Pilot Study on Specific Driving and Rest Time Rules for Bus and Coach Drivers in the EU, https://www.transportforetagen.se/globalassets/rapporter/buss/pilot-study-on-specific-driving-and-rest-time-rules-for-bus-and-coach-drivers-in-the-eu?ts=8d98cb9e34dc900.

[21] ETF, Driver Fatigue in European Road Transport, 2021 - Report.pdf (etf-europe.org)

One research carried out in Norway points out that **fatigue is reduced among passenger drivers who work in more stimulating environments**[22]. Indeed, driving a coach is not as lonely as truck driving. This trait has been found to have a profound effect on fatigue, which is affected by the performance of monotonous tasks, less prominent in the passenger sub-sector.

The European Agency for Safety and Health at Work (EU-OSHA) also highlights the importance of ensuring adequate working conditions to guarantee a skilled and motivated workforce. According to a report[23] published by the Agency, special issues that have a negative impact on the working conditions of freight transport drivers include many aspects that are also applicable to drivers transporting passengers for occasional services. For instance, prolonged sitting and exposure to vibration was identified as a major trigger for fatigue. In addition, the report also included case studies from the passenger transport sector which suggest that **flexible resting times helps to keep schedules on time. This result will, in turn, lead to lower levels of stress on drivers**.

Thus, stress significantly affects the performance of the drivers. According to the ex-post evaluation on the social legislation in road transport[24] there are several factors that contribute to stress, such as "performance-based payments" (which contribute to non-compliance with the rules, and consequently increases fatigue and stress), long periods away from home and time pressure. The latter is an aspect in which road social legislation on working time, driving times and rest periods might have a more direct impact due to the need to accommodate both the requirements from operators and passengers, besides the need to cope with uncertain driving conditions.

Moreover, the last two studies (the EU-OSHA report and Ex-post evaluation) refer to the direct impact of bus and truck driving on drivers' health. These drivers are more exposed to several dangerous and stressful situations, which make them more prone to accidents and to suffering serious injuries when compared to occasional coach drivers, who often have to cater to customers' needs, thus providing more comfortable and customised journeys. Together with long and often unsocial working hours (outside the traditional 9am-5pm schedule, for instance night or weekend shifts), besides driving alone and with no social interaction, with little opportunity to exercise and relying on convenience food, road drivers are also more likely to develop unhealthy lifestyles which may lead to severe health conditions (e.g. obesity, cardiovascular disease, depression) than occasional coach drivers.

Road safety

The EU has been devoting significant attention to road safety and experienced enormous progress in that regard, particularly in the past two decades. Regulation (EC) No 561/2006 is a cornerstone of these efforts.

According to the European Road Safety Observatory[25], the number of fatalities involving bus/coach accidents has been experiencing a downward trend in most EU countries. In the EU27, in 2010 there were 788 fatalities involving crashes of buses and coaches, which represents 2.7% of total road deaths in EU, while in 2018, there were 585 fatalities which represents a share of 2.5% of road deaths. By analysing the fatalities per million

[22] Norwegian Centre for Transport Research, 2014, An assessment of studies of human fatigue in land and sea transport – Fatigue in Transport Report II, https://www.toi.no/getfile.php?mmfileid=39679

[23] EU-OSHA, 2011, Managing risks to drivers in road transport – European Agency for Safety and Health at Work, https://osha.europa.eu/en/publications/managing-risks-drivers-road-transport

[24] European Commission, 2016, Ex-post evaluation of social legislation in road transport and its enforcement - Publications Office of the EU

[25] European Road Safety Observatory, Facts and Figures, 2020, facts_figures_buses_and_hgv_final_20210323.pdf

inhabitants resulting from crashes of bus and coach, we can see the highest rate in Bulgaria, with 5.1 deaths per million inhabitants – one of the reasons why this country was selected as part of the sample of countries subject for in-depth analysis in this study – followed by Romania and Hungary, both with 3.4. In comparison, in the Netherlands, Germany, Sweden and France, the fatalities per million inhabitants are less than 1. When one looks to the annual number of bus and coach fatalities of passengers travelling inside the bus and coaches, we can also see a downward trend: in 2010 there has been 115 fatalities while in 2019 the number has fallen to 84 fatalities[26], as identified in the latest report from the same EU road safety Observatory.

One of the main factors pointed as a cause of road accidents is fatigue, in particular the impacts of drivers' sleep deprivation. In fact, according to the same ETF report and also the TRT study, most drivers (66% of bus and coach drivers and 60% of truck drivers) regularly feel tired while driving and around a quarter to almost a third of professional drivers admit having fallen asleep while driving, at least once in the previous twelve months (24% of the bus and coach drivers and 30% of truck drivers). However, the studies carried out by ETF and TRT point out that the extent of this problem seems to be underestimated as most accident reports and databases are poor and limited, considering fatigue only in crashes where driver has fallen asleep, while there is evidence that other fatigue signs (e.g., drivers' inattention or doing mistakes) are a contributory factor of road crashes.

A more unexpected factor related to road safety is mentioned on the EU-OSHA report: violence to passenger transport drivers, including violence from schoolchildren. These situations can lead to several consequences, from drivers' stress, staff injuries, vehicle damages and even road accidents. Yet, various case studies demonstrate that it is possible to deal with this issue by presenting measures that involve children, allowing to control risks and improve safety for these drivers. Although the study does not necessarily report on this group, intoxicated passengers may often pose a threat to drivers' well-being while on the wheel, which is usually experienced by workers in the occasional transport sector when transporting customers to specific parties and events.

Another study on road safety from SWOV[27] compares the safety of buses in traffic with the safety of other transport modes (passenger car, train and airplane) in seven European countries in terms of risk factors (i.e. number of causalities per distance travelled by vehicle occupants). The results showed that buses appear to be safer than cars but more dangerous than train and airplane. It is important to mention that the comparison of safety between these modes was made in terms of "occupant risk" (deaths "inside the vehicle"), which may not illustrate the factual fatality risk, especially for trains - in which more than 85% of the reported rails deaths were excluded (as it was not clear whether they were inside or outside the train), as pointed out by SWOV. Therefore, if considering the risk "outside the vehicle" (with coaches being involved), buses appear to be more dangerous than cars. In terms of ratio of the risk outside/inside the bus per country, Denmark and the Netherlands are the countries with the highest ratios, thus a lower number of causalities "inside the bus" than "outside the bus".

Infringements

Article 17 of Regulation (EC) No 561/2006 requires the EC to publish, on the basis of the information communicated by each Member State, a biannual report giving an account of the level of checks at the roadside and at the premises of transport undertakings. While the levels of infringement cannot be disaggregated for occasional transport, the

[26] European Road Safety Observatory, Annual statistical report on road safety in EU 2020 - Annual statistical report on road safety in the EU, 2020 (europa.eu)
[27] Institute for Road Safety Research - SWOV, 2019, Coaches and road safety in Europe

implementation report in 2017-2018[28] of EU Social rules in road transport (which includes Regulation (EC) No 561/2006, also known as the Driving Time Regulation; Directive 2002/15/EC, known as the Road Transport Working Time Directive; Directive 2006/22/EC, known as the Enforcement Directive; and Regulation (EU) No 165/2014, known as the Tachograph Regulation) states that the total number of offences (but not disaggregated per occasional bus and coach sector) were of around 3.41 million, representing a slightly lower number than the one presented in the report for the 2015-2016 period, which was of 3.46 million; however, a more detailed overview of the ratio of offences per type of passenger transport activity shows a contrasting upward trend, with 3.55 offences per million PKM being observed in 2015-2016 and 3.61 in the subsequent period.

Regarding the type of infringements, rest period infringements represented 23%, and break time infringements represented 17% (a decrease from 21% in the latest report), while driving recording time accounted for 27%, driving time for 14%, recording equipment 12% and lack/availability of records for other work 6%.

With regard to working time records, the ETF study on driver fatigue shows that some coach drivers are often assigned to carry out extra activities (such as loading/unloading goods or luggage, selling drinks and snacks), and being instructed by their employers to register that time spent as break time, rather having appropriate breaks.

According to another ETF report[29], road transport enforcement agencies are under-resourced, and often have to deal with complex technical and social aspects, as well as with arising new business models. This pressing issue was under the spotlight in a debate organised by IRU on the enforcement of Mobiliy Package 1 rules in September 2022.

EuroContrôle Route, quoted in the above-mentioned report from ETF, reveals that, across Europe, there has been a 75 per cent reduction in the capacity (personnel and resources) of European road traffic enforcement agencies following the financial crisis of 2008. Nevertheless, the EU implementation reports still identify extensive violation in relation to drivers' hours during inspections. All in all, as previously mentioned in the section on working conditions, the ex-post evaluation of social legislation from EU highlights that some illicit employment practices have adverse effects on drivers, and which may contribute to increased infringement levels.

The ex-post evaluation also sheds light on these matters by highlighting that, for instance, some Member States have eliminated the use of the attestation forms to attest driver activities (as required per Article 17 of Regulation (EC) No 561/2006 for attesting unrecorded activities, or other proof, for proving such activities). This is especially important in occasional transport, because the nature of the services means that the activities of drivers are especially difficult to record with tachographs. As highlighted by the CORTE working group, approaches vary widely, for instance with drivers being fined for not having the form in France while it is considered irrelevant in other countries. Aside from causing compliance problems, this problem reduces the availability of detailed and comparable data.

The lack of a uniform application of enforcement methods across MS, leads to distortions in the way the rules are applied by different operators within the EU sector. It was also found (and corroborated during the preliminary interviews) that some coach drivers are

[28] Report from the Commission to the European Parliament and the Council on the implementation in 2017-2018 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, SWD, 2021 EUR-Lex - 52021DC0610 - EN - EUR-Lex (europa.eu)

[29] ETF Report, 2018, Driven to distraction? Long-distance coach and bus drivers in the EU, https://www.etf-europe.org/wp-content/uploads/2018/09/ETF-report-on-woking-conditions-of-bus-and-coach-1.pdf

often assigned to carry out extra activities and forced to register that time spent as break time. Hence, the problem of accumulated fatigue might not be laid down in the current set of rules for drivers breaks and rests but rather on the enforcement mechanisms to control violations and enforce the rules. It is thus important that rules on breaks, rests and driving periods are revised in a way that would encourage good compliance among drivers performing occasional passenger services.

Employment and attractiveness to the sector

According to the EU Statistical Pocketbook[30] the transport and storage service sector employed 10.5 million people in 2019, of which 52% were working in land transport, while Eurostat data on ´Other passenger land transport´ (which includes occasional bus and coach services) shows that, in 2018, 527,193 people in the EU27 worked in the sector[31].

Some work has also been done to estimate **employment in occasional bus and coach transport**. The comprehensive study[32] was able to make some estimates based on crossing the available sectoral figures with register data from Eurostat. The authors estimated that this sub-sector employed around 550,000 people across the EU in 2014 (with a margin of error of approximately 10%), with a slow trend of decline over the period 2008-2013. While the authors make some caveats, pointing out that the database included some regular services that can distort the figures, this gives an order of magnitude of employment in occasional bus and coach transport that that can serve as a base to be built on for the present study.

Looking at the countries for which estimates were available (15 countries[33]), France, Spain and Hungary were the ones with the highest number of occasional coach drivers, with 94,300, 17,896 and 17,000 respectively. Within the sample, Ireland, Sweden and Cyprus have the least drivers, with 2,000, 900 and 250 drivers, respectively. Surprisingly, Italy is estimated to have only 2,700 coach drivers. This is difficult to understand given the country's tradition in tourism and represents a vivid example of the patchy data available. The data are also starting to show some effects of the COVID-19 crisis: in the Netherlands[34] the coach sector employed 5,592 drivers in 2019 and 3,859 in 2020, a precipitous drop of over 30%.

Recent data – from a survey carried out by the European Transport Workers Association (ETF)[35] – also shed some light on the size of undertakings for which drivers work. The survey gathered 696 responses from international and long-distance bus and coach drivers (hence, assembling both regular and occasional transport) and provides an overview of the size of the undertakings where these drivers work. The results showed that 14% of the sample worked for micro-companies (of less than 10 employees). The largest share of drivers works for small companies (10 to 50 employees), while a similar number works for a medium-size company employing between 51 to 100 drivers. Almost 22% of the sample works for a medium-to-large company (101-500) and a fraction of drivers work for larger companies with over 500 employees. The breakdown of data does not allow to show how

[30] European Commission, 2021, Statistical Pocketbook 2022 EU Transport in figures - EU transport in figures - Publications Office of the EU (europa.eu)

[31] As stated above the category of ´Other passenger land transport´ includes other passenger road transport (scheduled long-distance bus services, charters, excursions, and other occasional coach services), airport shuttles, operation of school buses and for employees and passenger transport by man – or animal-drawn vehicles.

[32] European Commission, 2016, Comprehensive Study on Passenger Transport by Coach in Europe - Comprehensive Study on Passenger Transport by Coach in Europe (europa.eu).

[33] Belgium, Bulgaria, Cyprus, Czechia, Greece, Spain, France, Croatia, Hungary, Ireland, Italy, Luxembourg, Malta, Sweden and Slovakia.

[34] Panteia and FSO, 2021, Kerncijfers 2020 van het Nederlandse touringcarvervoer.

[35] ETF Report, 2018, Driven to distraction? Long-distance coach and bus drivers in the EU, https://www.etf-europe.org/wp-content/uploads/2018/09/ETF-report-on-woking-conditions-of-bus-and-coach-1.pdf.

the exact share of drivers working in SMEs according to the EU definition (staff headcount of less than 250 workers), but the share of companies fitting in this category, according to our estimates, should not be lower than 85%.

These results are important because literature sources and interviews confirm that **larger companies have greater adaptability to accommodate the constraints that the current set of driving times and rest rules pose, as they have the resources to compensate prolonged rest times within their pool of drivers**. On the other hand, small companies and self-employed drivers might benefit from greater adaptability introduced by eventual new rules subject to evaluation under the present initiative.

Table 1.6: Number of drivers by company size

Company size	Number of respondents	%
<10 employees	98	14.1
10-50 employees	205	29.5
51-100 employees	200	28.7
101-500 employees	150	21.6
>500 employees	43	6.2
Total	696	100

Source: ETF report on working conditions of bus and coach (2018)

The survey from ETF was targeted to union members and their affiliates. Therefore, it is likely to underestimate the number of employees working in micro and small companies, as well as those who may run their own bus and are therefore self-employed, a category which might be frequent in the occasional coach sector, as pointed out in a report from EU-OSHA[36]. **For the category of self-employed drivers, whose entrepreneurial advantages lie in being able to make their own service scheduling decisions and seize business opportunities in a highly seasonal market, the rules on rest periods may bring negative side-effects to drivers**, as noted in the ex-post evaluation on social legislation in road transport and its enforcement.

The current rules on driving and rest periods also have an impact for enterprises, who might need to hire more drivers and therefore struggle with the shortage of drivers in order to provide coach services, even in cases where the driving time is in fact very short. This will have an indirect impact on consumer costs, which will therefore increase.

Some information is also available on the topic of **attractiveness of the sector to young drivers**. This seems important since an old workforce is more likely to suffer from fatigue and tiredness, and a third of all of the sector's workers is currently over 50 years old. In general, there are several factors that make this sector unattractive, such as unfriendly work schedules with weekends away from home, inadequate rest and low salaries, as pointed out in a study for DG MOVE about the attractiveness of transport[37]. In addition, the road transport sector is still linked to a negative image of "lonely male truck drivers, with low education and skill levels, performing a physically demanding job" and seen as a

[36] EU-OSHA, 2011, Managing risks to drivers in road transport, https://osha.europa.eu/en/publications/managing-risks-drivers-road-transport/view

[37] European Commission, 2017, Study on a Pilot project: Making the EU transport sector attractive to future generations, https://panteia.com/uploads/2017/09/DG-MOVE_Study-Attractiveness-Transport_-Final-Report.pdf

temporary job rather than a career. Nevertheless, the survey carried out for the study indicates that the views of young people on the attractiveness of the transport sector is overall positive but somewhat varies between the countries analysed (the most positive views on working conditions in the sector are from newer Members States, such as Croatia).

In terms of job expectations in the transport sector, the same survey shows that young people consider certain aspects as essential to decent working conditions, namely fair pay (appropriate compensation for the job), a good work-life balance (i.e. "working hours that fit family and spare time but also with clear regulations on overtime") and fair conditions (labour protection and rights). Similarly, there are also diverging views among Member States. Young people from countries with less favourable labour markets (e.g. Bulgaria, Italy, Spain) expressed low expectations for jobs in general, while young employees from other Member States tend to value the social status provided by their job.

Regarding job preferences, young people were found to prefer flexible working hours rather than fixed working periods. Moreover, international mobility appears to be an attractive job feature, with the prospect of traveling being mentioned by 80% of the young survey respondents. National transport is considered to be more stable in terms of working hours and more compatible with private life, when compared to cross-border road transport.

From a gender perspective, the above-mentioned study carried out for DG MOVE in 2017 highlights the over-representation of men, who account for more than three-quarters of the total workforce on the transport sector. Their heavy dominance in certain roles and some practical obstacles for women, for instance the lack of separate gender-specific toilets, seems to be discouraging factors for women to choose the transport sector to work. However, when asked about preferences in working in transport in general, young women express a strong preference for jobs with social interaction (71% of female survey respondents), which can be regarded as a specific trait of the occasional coach sector. In terms of job contract, young men are slightly more likely to be willing to work as self-employed (60% of male and 49% of female respondents) rather than as a permanent employee.

Another relevant study on female employment in transport[38] provides a complementary overview of employment conditions from a gender point of view. According to the study, there are several barriers (e.g. parental leave legislation, wage gap, gender stereotypes and discrimination, work-life balance with inflexible working times, with little schedule control, atypical shifts, labour conditions – sexual harassment, safety, a-typical contractual relations like self-employment or third-party contracts -, and others) that contribute for a lower presence of women in the transport labour force (22%) - a share that is even lower when considering only land transport. The study provides several measures to improve gender balance. Such as, focused recruitment, training and career development, gender awareness, work-life balance and health and safety measures.

It is important to highlight that ´Mobility Package I´ (MP1) introduced new provisions that addressed the above concerns. The new provisions include the obligation of employers to organise the work of a driver in such a way that the driver is able to return home at least every four weeks; the obligation of employers to provide a suitable accommodation for a driver for a regular weekly rest; the possibility to take two reduced weekly rests (at least 24 hours) to give more flexibility for international drivers and to encourage them to go back home for their longer rest; or standards for the creation of safe and secure parking areas in the EU to improve resting conditions of drivers, whose Commission Delegated

[38] European Commission, 2018, Business case to increase female employment in transport, Final Report, https://op.europa.eu/pt/publication-detail/-/publication/6f833428-54f9-11e9-a8ed-01aa75ed71a1

Regulation was published in April 2022. However, as noted in several places in this report, MP1 did not include specific rules for occasional passenger road transport sub-sector.

In addition to the above, it is also worth referring that most variables that negatively impact on the attractiveness of the sector are not directly related with the break and rest time rules themselves. For instance, the sector is suffering from an incapacity of attracting young people also due to restrictions of age in force. To this respect, the IRU[39] has called for the governments to set the minimum licensing age to 18 years old in the bus and coach sector, which is usually 21 years old in most Member States (but can vary from country to country).

A glance at the distinct stakeholder needs

All in all, it was possible to find that rest and break periods are controversial topics, particularly to what the specific impacts posed upon working conditions is concerned, with polarised opinions among stakeholders. This assumption was evident in some of the results published by ETF and IRU, for instance.

In general, desk research has allowed to devise that there are **three fundamental groups of stakeholders with a strong claim on the issues** under review in the present study: drivers, transport companies (and their representatives) and public authorities (enforcers). These actors have different levels of influence and pursue multiple contrasting interests, e.g. between self-employed, temporary or permanent drivers. It is worth highlighting the diversity of drivers, with preferences and experiences differing depending on Member State, the size of companies where they work and the contractual agreements they have.

Companies also experience different impacts if they are small, medium-sized or large and if they have the ability to gain access to public funding and/or cost-covering services framed by public service obligations, such as regular public transport services. Among other things, this makes companies more or less resilient to counteract the impacts from the coronavirus crisis. In addition, larger companies have the opportunity to optimise human resources (i.e. drivers) to specific routes and services, whenever demand for coach services decreases, which occurs regularly in this highly seasonal sector. Public authorities also have different preferences and constraints depending on size of the Member State, sectoral composition, administrative capacity, resources and policy priorities.

[39] IRU, 2020, Fight global youth unemployment by reducing the minimum age of professional drivers, https://www.iru.org/resources/newsroom/fight-global-youth-unemployment-reducing-minimum-age-professional-drivers

2. Stakeholder synopsis report

2.1 Introduction and consultation strategy

This annex provides a summary of the stakeholder consultation carried out in the scope of the study to support an impact assessment on potential changes to the break time and rest period rules for drivers in occasional transport services. It notes the range of stakeholders consulted, describes the main consultation activities and provides a succinct analysis of their views and the main issues they raised. The consultation strategy and the various activities were carried out in line with the requirements for consultation defined in Tool #52 of the Better Regulation Toolbox.

The consultation activities served purposes of accountability and transparency, by involving key stakeholders in the study and giving all interested parties (including EU citizens) the opportunity to provide their views. In addition, given the lack of secondary data on the occasional bus and coach sub-sector, information provided by stakeholders has been the single most important source of evidence for the study. This fed into all aspects of the study, most importantly the assessment of the existing problems, development of policy options and assessment of the likely impacts of the policy options. Three types of consultation were carried out:

- **Inception impact assessment**: on 21 January 2021, the Commission published an inception impact assessment for the initiative. In line with the Better Regulation Guidelines, feedback was welcomed from all interested parties for 5 weeks, until 18 February 2021. While this took place before the study was launched, it analysed and took into account the responses for the analysis.
- **Targeted interviews**: the technical nature of the rules and niche status of *occasional* bus and coach transport, as well as the lack of documentary evidence, meant that in-depth interviews were a crucial source of information for the study. These aimed to reach as broad a range of stakeholders as possible, while bearing in mind the proportionate level of analysis and limited resources available. This activity covered both the current situation and potential changes to the rules. It consisted of 9 exploratory interviews with stakeholders at the European and international levels, as well as 29 interviews in a sample of five Member States (Bulgaria, Germany, the Netherlands, Spain and Sweden) that was agreed with the Commission based on criteria including geographical diversity and the importance of tourism (as a proxy for the importance of occasional bus and coach transport). In addition, about ten more interviews were conducted with stakeholders to feed into the three thematic case studies, and to elicit additional information and clarifications during the latter stages of the work.
- **Public consultation**: this gave citizens an opportunity to provide feedback on the initiative with several general questions, while filtering by respondent group was used to get more detailed input from key stakeholders, pertaining both the current situation and potential changes to the rules. To maximise responses from key stakeholders, the public consultation was promoted among representative organisations as well as on the Commission's consultations website. The public consultation was open between 23 November 2021 and 18 February 2022.

Across the different consultation activities, input was sought from the following types of stakeholders, which were mapped early in the study:

- Business associations: employer organisations and operator representatives at EU and national levels;
- Bus and coach operators: individual bus and coach companies that organise occasional passenger services, including both SMEs and larger groups;
- Trade unions: representatives of employed drivers at EU and national levels;

- Drivers: employed and self-employed individuals who work on occasional passenger services;
- Authorities: including organisations at EU and national levels with both policy and enforcement responsibilities for working conditions in general and the specific rules under review;
- Experts: the study was also open to input from other experts, on topics such as fatigue and road safety;
- EU citizens: any interested citizens were also invited to provide input via the public consultation.

In conjunction with desk research, the stakeholder consultation activities provided sufficient evidence to support the findings presented in the main report. However, three important limitations should also be borne in mind:

- **Proportionality and limited scope**: given the minor nature of the initiative and small size of the sub-sector, and the fact that a wide range of consultation activities were conducted as part of a broader impact assessment in 2017 (SWD(2017 186 final), the resources allocated to the present study were relatively limited. This meant that it was only possible to select five Member States for the targeted interviews. Since the public consultation had targeted elements, these were used to gather input from stakeholders from across the EU and thereby corroborate and complement the more detailed information from the targeted interviews. While consistency between the two sources, as well as with previous research and studies, speaks to the validity of the findings, the study cannot be said to have obtained *representative* data on stakeholders' views or experiences.
- **Difficulty reaching certain groups in the targeted interviews**: due to factors such as survey fatigue from other recent research, an unfamiliarity with policy development and consultation, and limited knowledge of occasional services, it was difficult to gather feedback from certain target groups. In particular, drivers were extremely difficult to reach for the targeted interviews, despite extensive outreach activities. The information provided directly by drivers was thus cross-checked with that provided by trade unions, as their representatives. Similarly, since customer representatives at EU and national levels also declined to participate, input on certain topics (e.g. service quality) was gathered largely from operators and business associations, who are responsible for organising services according to customer needs. This approach was in line with other recent research in this field, which faced similar challenges to engage with certain types of stakeholders.
- **Uncertain validity of input from drivers to the public consultation**: a considerable number of respondents to the public consultation identified as drivers (of which 34 self-employed, 21 employed and 2 not stating either way). However, these replies, particularly from employed drivers, were much more critical of the current rules – and more open to changes – than the interview findings with drivers. Since the study team was able to verify the profile of interviewees and not public consultation respondents, it has placed more trust in the former throughout the report, and interpreted the latter very cautiously.
- **Limited provision of quantitative data**: an important rationale for the initiative is that the current rules impose excessive costs on the occasional sub-sector. To assess these, stakeholders taking part in both the targeted interviews and public consultation were asked detailed questions on cost structures and how these would be expected to change under the different policy measures that were assessed, as well as related questions on business performance. However, while a great effort was made to devise clear questions, very few stakeholders were able to provide quantitative insight. This is likely related to the indirect and limited nature of the rules and the proposed changes, within the wider operational context of occasional transport. Documentary sources with quantitative data were also lacking. For these reasons, while the study relies as much as possible on the little quantitative data that was obtained, many findings consist of qualitative assessments.

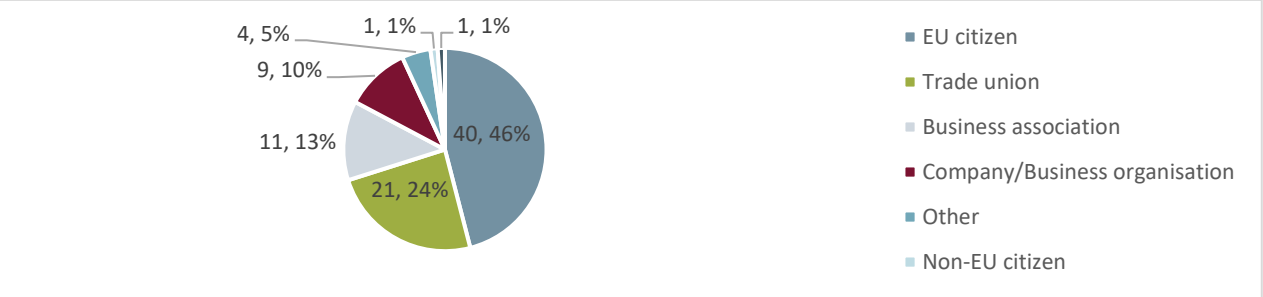
2.2 Consultation results

The rest of this synopsis report summarises the results of the three main consultation activities. Due to the breadth of the topics covered and amount of information obtained, more detail is provided in the dedicated annexes for the inception impact assessment (Annex 3), the targeted interviews (Annex 5) and the public consultation (Annex 6). In addition, it should be noted that the consultation activities covered technical aspects of the current rules and policy measures that would involve changes to the break times and rest periods for drivers in the occasional transport sub-sector. The existing rules are presented in chapter 2 of the main report, while the policy measures under review are presented in chapter 6.

2.2.1 Inception impact assessment

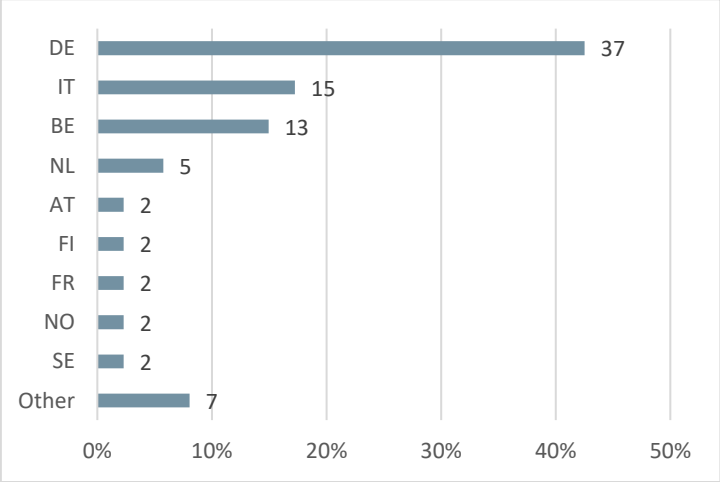
Between 21 January 2021 and 18 February 2021, the Commission gathered feedbacks from a total of 87 different stakeholders. The figure below shows the distribution of responses across categories.

Figure 2.1: Feedback received by category of respondent



In terms of country coverage, a plurality of respondents were from Germany (37), followed by respondents from Italy (15) and Belgium (13).

Figure 2.2: Country of origin of respondents[40]



The consultation suggests that the **revision of Regulation (EC) No 561/2006 is a highly polarising issue**. Respondents to the initiative seem to be split into two major groups: on one side, trade unions and stakeholders responding as EU citizens expressed resistance to any changes to the current provisions on breaks and rest arrangements, which were reported as seen as harmful to occasional bus drivers' wellbeing and dangerous

[40] "Other" includes respondents from: CZ, DK, ES, SK, RO, UK and an international organisation.

in terms of road safety; on the other side, businesses and business associations were in favour of introducing specific solutions for the sub-sector, which they felt would help it respond better to the needs of coach and bus drivers, to improve the experience of passengers, and to increase profit margins. The only public authority who participated in the initiative stood somehow in the middle: while recognising the need to increase the flexibility of legislation, it shared some of the concerns expressed by trade unions and citizens.

More specifically, trade unions and EU citizens (with only few exceptions) put the emphasis of their argument on the potential risks that the implementation of derogations to the general rules set out in Regulation (EC) 561/2006 might entail. For instance, more flexible working hours are perceived as dangerous for the health and safety of drivers, which in turn poses a threat on road safety. These factors are altogether contributing to the unattractiveness of the bus driver profession (which is already facing a significant labour shortage). EU citizens also criticise a lack of understanding of the role of professional bus drivers by the Commission. According to them, allowing for the extension of working hours/days means neglecting the diversified role of occasional bus drivers, who oversee other activities beyond driving (e.g. assisting passengers).

Business associations and companies argued that more flexible rules are necessary to differentiate between two inherently different types of transport: freight transport and occasional passenger transport. If freight transport activities are schedulable in compliance with Regulation (EC) 561/2006 on driving times, breaks and rest periods, the needs of bus/coach drivers and passengers cannot always comply with it (especially the occasional service). The lack of flexibility in working hours for bus and coach drivers – which currently follow the same standards for truck drivers in terms of daily driving times and breaks/rest – entails the need to hire more drivers and bear higher costs. This leads to reduced financial health in the sector as well as investments, and a slower recovery from the Covid-19 pandemic. Furthermore, the rigidity of the Regulation constitutes was reported by businesses and business associations to be a source of great stress for the drivers themselves, which adds up to the daily fatigue. This was attributed to the fact that drivers and operators can both face penalties for non-compliance with the rules.

2.2.2 Targeted interviews

The targeted interviews took place in two steps, namely exploratory interviews at the EU level, which served to gather initial input and identify relevant stakeholders, and a second step consistent mainly of the interviews in the sample of five Member States agreed with the Commission. The interviews were carried out between June 2021 and January 2022, using detailed topic guides that were agreed with the Commission services. The breakdown of interviewees is summarised in the table below. Note that this does not include around 10 interviews conducted later in the study for the purpose of the thematic case studies, and to provide clarification and additional insight on specific issues were data was still required.

Table 2.1: Breakdown of the targeted interviews

	Business association	Bus & coach operator	Trade union	Authorities	Drivers	Experts and others	Total
EU/int'l	5	-	1	2	N/A	1	**9**
Bulgaria	2	2	-	-	2	-	**6**
Germany	1	2	-	1	-	-	**4**
Netherlands	1	1	1	1	1	-	**5**

Spain	1	1	2	-	1	-	**5**
Sweden	2	1	1	2	2	1	**9**
Total	**12**	**7**	**5**	**6**	**6**	**2**	**38**

In terms of key **findings and conclusions**, views were quite polarised, with all trade unions and authorities, and most drivers favouring the current rules or only very small changes, while all operators and business associations supported most of the proposed changes. Nonetheless, more room for consensus emerged in some areas than others:

- On the current rules, all trade unions and national authorities, as well as most drivers, considered these appropriate in their current form, and emphasised the need for better compliance and enforcement. For this reason, none of the trade unions or authorities supported any of the proposed changes. In contrast, all operators and business associations considered the current rules to be obstruct their ability to schedule services efficiently and to a high standard, especially at peak seasons when driver shortages are acute.
- On potential changes to break times, all operators and their representatives would support either of the proposed changes. Most interviewed drivers were more open to the first proposed change, which would allow breaks to be spit into one longer and one shorter period, i.e. one break of 15 minutes and one of 30 minutes, without specifying which should be taken first.
- Allowing for the 12-day rule to be used for domestic services faces much less opposition from drivers than the other possible amendments to it, namely the removal of the single-service condition or compensatory rest after its use amendments to the 12-day derogation. While it was unclear whether the interviewed drivers would actively support the measure to extend the 12-day rule to domestic services, it seemed that they agreed that domestic and international services should face the same rules, which this measure would ensure. Some drivers also mentioned that the 12-day rule would allow them to take more weekly rest periods at home rather than on the road, which was seen as positive. All operators and business associations supported extending the 12-day rule to domestic trips, as they would benefit from increased flexibility and avoid the need to staff certain trips (i.e. those lasting more than the six days when a weekly rest is currently required) with two drivers. They also supported the removal of the single-service condition, as this would open the 12-day rule up to a greater proportion of services. However, on the measure to remove compensatory rest after using the 12-day rule, a few operators expressed reservations, because they thought that the extra rest was needed to ensure good working conditions.
- On other changes to rest-time rules, the only potential consensus was on measures related to daily rests, which would increase the length of the duty cycle in certain circumstances and thereby allow services to cope with unexpected changes or demands. While the interviewed drivers did not actively support such measures, they did not oppose them either, which operators and business associations were strongly in favour.

2.2.3 Public consultation

The public consultation was launched on 23 November 2021 and ended on 18 February 2022. The consultation was promoted primarily among key stakeholders (i.e., business associations, bus and coach operators, drivers, national authorities and trade unions, as well as non-governmental organisations (NGOs)) in the EU-27, EEA-EFTA countries, Switzerland and the UK. This made it possible to gather feedback from a wider set of stakeholders than would have been possible using only targeted methods. In addition, the public consultation was also open to 'ordinary' citizens, both from the EU and third countries, for

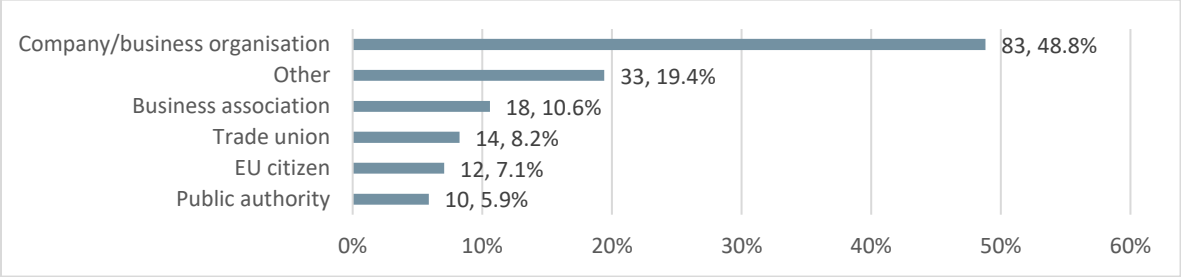
transparency purposes and because citizens consume bus and coach services directly and could potentially have views on how they are organised.

The different respondent groups are reflected in the set of questions asked, which contained both relatively general questions aimed at all interested parties, and more detailed questions that were only asked to 'specialist' respondents who have a good knowledge of the topic. In total, the consultation consisted of 44 questions (not including initial profiling questions pre-defined for all public consultations of the European Commission).

Respondent profiles

The consultation received 170 contributions, which broke down by stakeholder group according to the figure below. Participation from drivers, a particularly sought-after group, is worth discussing in more detail. Because the main profile question is fixed for all public consultations, it was not possible to include a choice for 'drivers'. Instead, drivers were asked to select 'other' (which was done by 24 of 33 'other' respondents), and to confirm their status as a driver in a follow-up question, as well as to indicate whether they were employed or self-employed. Some drivers misunderstood, indicating themselves to be drivers despite not describing themselves as 'other' in the first profile question. Overall, among the respondents in the different groups there were 57 drivers, of which 34 were self-employed and 21 were employed, while 2 did not answered.

Figure 2.3: Types of respondents



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 170 respondents

In terms of country of origin, this is summarised in the table below. Nearly half of respondents came from Germany, with pronounced numbers also from Austria, Italy, Belgium and Czechia. A large majority of countries (i.e., fifteen out of twenty-four) had their respective respondents' share around or below 1%. Among third country residents, responses were submitted from the United Kingdom, Norway and Switzerland.

Table 2.2: Respondents' country of origin

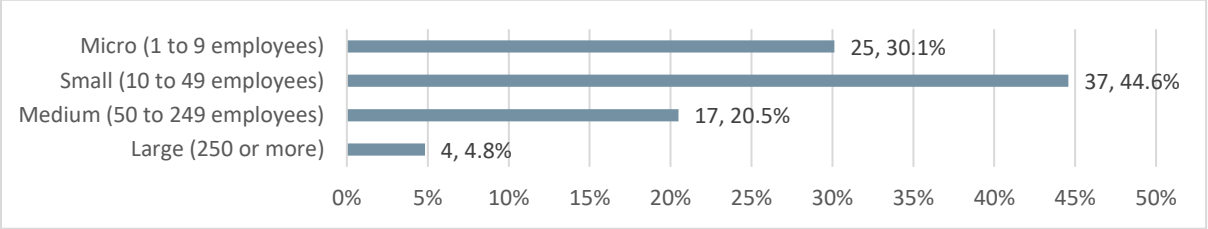
Country of origin	No of responses	% of responses	Country of origin	No of responses	% of responses
Germany	77	45.3%	Slovenia	2	1.2%
Austria	17	10.0%	Romania	2	1.2%
Italy	16	9.4%	Latvia	1	0.6%
Belgium	11	6.5%	Hungary	1	0.6%
United Kingdom	8	4.7%	Slovakia	1	0.6%
Czechia	8	4.7%	Ireland	1	0.6%
France	6	3.6%	Estonia	1	0.6%
Spain	4	2.4%	Switzerland	1	0.6%

Sweden	3	1.8%	Bulgaria	1	0.6%
Luxembourg	2	1.2%	Norway	1	0.6%
Netherlands	2	1.2%	Finland	1	0.6%
Greece	2	1.2%	Poland	1	0.6%

Source: Public consultation

Out of the 83 companies that participated in the public consultation, nearly 75% (62) had between 1 and 49 employees (i.e., were either micro or small companies), whilst medium and large businesses accounted together for 25.3% (21) of all businesses that took part, as reported in the figure below.

Figure 2.4: Organisations' size



Source: Public consultation; Base: 83 respondents

It must also be noted that some of the responses were of a campaigning nature, whereby several clusters of responses were received that were nearly identical in terms of both the closed and open questions. These entailed three clusters of identified as business associations and companies (i.e. from Austria and Germany (24 respondents), Italy (5 responses), and Belgium, Sweden and the UK (4 responses) and 9 responses identified as trade unions (i.e. from Belgium, Norway, Romania and Slovenia). While the number of campaign responses was fairly small, it was meaningful in light of the overall number of responses (170), which made it necessary to take action to avoid skewing the results. For this purpose, each cluster of coordinated replies was counted only once in the quantitative analysis of the public consultation responses.

Importantly, the analysis was also done in a way that avoided risks of under-reporting on the views of certain groups. This involved disaggregating the findings by stakeholder group throughout the analysis, and pointing out their similarities and differences.

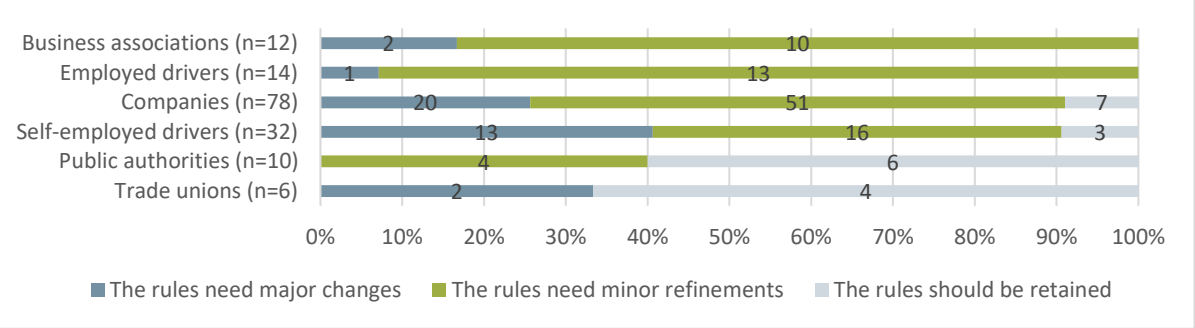
The next paragraphs present a brief overview of key findings from the public consultation, in terms of views on the current rules and potential changes to the rules on break times and rest periods. As explained above, the views of respondents identifying themselves as drivers (particularly employed drivers) should be interpreted cautiously, due to their inconsistency with the findings from the targeted interviews, which are considered more trustworthy.

Summary of views on the current rules

Respondents' views of the current rules are best encapsulated in replies to a question on whether the rules should be retained or changed. These are summarised below, first in terms of the rules on break times, then on rest periods. As shown, nearly all stakeholders considered at least minor changes necessary. Open text replies suggested that, for companies, associations and drivers, this was mainly because they considered the current rules to be insufficiently adapted to the needs of the occasional sub-sector. The contrast between drivers taking part in the targeted interviews and drivers responding to the public consultation was interesting, in that the latter were more likely to consider changes needed. That said, since neither consultation activity involved a representative sample of drivers (or any other stakeholder group), the results should not be over-interpreted. As for trade unions and authorities, they were more likely than others to support keeping the

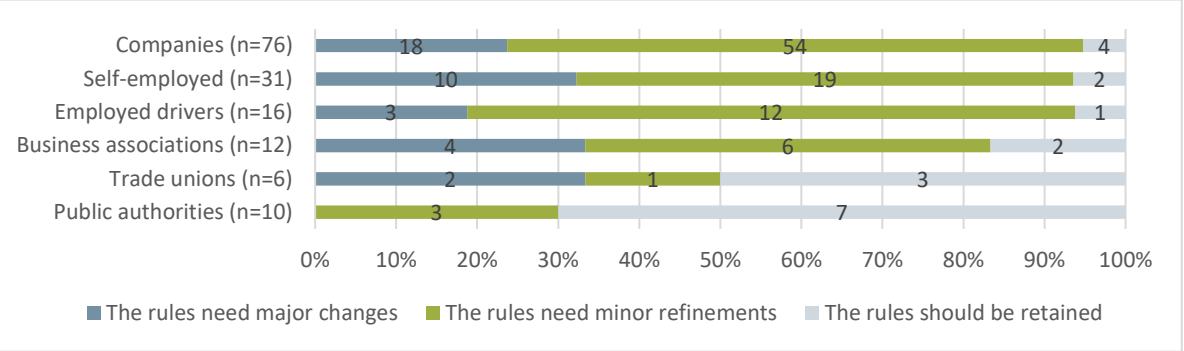
current rules in place, while open-text replies focused on enforcement measures and / or making the rules stricter.

Figure 2.5: Overall, do you think that the existing rules on break times are appropriate, or should they be changed?



Source: Public consultation

Figure 2.6: Overall, do you think that the existing rules on rest periods are appropriate, or should they be changed?



Source: Public consultation

Summary of views on potential changes to the rules

Respondents were also asked for their views regarding eight policy measures that would entail changes to the current rules (see chapter 6 of the main report for more detail on the measures considered). The views on each measure are presented in the table below, broken down by stakeholder group. As shown, most groups supported most of the measures being proposed, with only a few exceptions. Namely, trade unions and authorities opposed all of the proposed changes, while a few of the other measures received only middling support. As with the views on the current rules, the findings were consistent with the interviews concerning business associations, companies, trade unions and authorities. But drivers taking part in the public consultation voiced much more support for changes. Again, it is difficult to interpret the findings, since samples were not representative, and the number of drivers answering these questions was limited (ranging from 10 to 16 employed drivers and 20 to 27 self-employed drivers).

Table 2.3: Views by stakeholder group of the proposed policy measures

Legend: each cell is presented as: "Number supporting (% supporting) / number opposing (% opposing)
Cells shaded green have more than 2/3 supporting, cells shaded amber have between 1/3 and 2/3 supporting, cells shaded red have more than 2/3 opposing

	Business associations	Companies	Self-employed	Employed drivers	Trade unions	Public authorities
PM 1: Allow drivers to split their break of minimum 45 minutes into 30+15 or 15+15+15 minutes	9 (82%) / 2 (18%)	38 (81%) / 9 (19%)	16 (80%) / 4 (20%)	15 (100%) / 0 (0%)	1 (17%) / 5 (83%)	2 (20%) / 8 (80%)

PM 2: Breaks can be split in a fully open manner their break of minimum 45 minutes over the period of 4h30 driving time	5 (45%) / 6 (55%)	30 (55%) / 25 (45%)	16 (70%) / 7 (30%)	10 (100%) / 0 (0%)	0 (0%) / 6 (100%)	1 (10%) / 9 (90%)
PM 3: Allow drivers on trips lasting 8 days and longer to postpone the start of the daily rest period by 1 h in certain conditions	7 (70%) / 3 (30%)	37 (67%) / 18 (33%)	16 (67%) / 8 (33%)	15 (94%) / 1 (6%)	0 (0%) / 6 (100%)	4 (40%) / 6 (60%)
PM 4: Allow drivers on trips lasting 8 days and longer to postpone the start of the daily rest period by 2 h in certain conditions	5 (45%) / 6 (55%)	32 (62%) / 20 (38%)	11 (52%) / 10 (48%)	13 (81%) / 3 (19%)	0 (0%) / 6 (100%)	2 (20%) / 8 (80%)
PM 5: Extension of the 12-day rule to domestic transport operations	10 (91%) / 1 (9%)	55 (96%) / 2 (4%)	25 (93%) / 2 (7%)	15 (94%) / 1 (6%)	1 (17%) / 5 (83%)	3 (30%) / 7 (70%)
PM 6: Removal of the single-service condition when using the 12-day rule	7 (78%) / 2 (22%)	45 (85%) / 8 (15%)	18 (78%) / 5 (22%)	14 (93%) / 1 (7%)	0 (0%) / 6 (100%)	3 (30%) / 7 (70%)
PM 7: Remove the compensatory rest after use of the 12-day rule	9 (82%) / 2 (18%)	47 (82%) / 10 (18%)	22 (81%) / 5 (19%)	16 (100%) / 0 (0%)	0 (0%) / 6 (100%)	0 (0%) / 10 (100%)
PM 8: Flexible distribution of weekly rests over a 10-week reference period	7 (64%) / 4 (36%)	42 (79%) / 11 (21%)	17 (81%) / 4 (19%)	15 (94%) / 1 (6%)	0 (0%) / 6 (100%)	0 (0%) / 10 (100%)

3. Feedback on the inception impact assessment

Between 21 January 2021 and 18 February 2021, the European Commission launched an initiative to gather feedback on the existing rules, problems faced and possible solutions to them, in the form of an inception impact assessment aimed at initiating a process of revision of the European legislation on the matter[41].

3.1 Overview of the inception impact assessment

This section briefly outlines the problems, options and expected impacts presented in the inception impact assessment, because this forms the backdrop for the feedback that stakeholders provided on at that stage of the policy development process. With this in mind, the ensuing text should not be seen as study findings. Rather, the purpose of this section is to describe what stakeholders reacted to when giving their feedback.

The inception impact explains that, under the current legislation (Regulation (EC) 561/2006), professional drivers involved in the occasional carriage of passengers by bus and coach are subject to the same rules on the organisation of working and driving times, breaks and rest periods as truck drivers involved in the carriage of goods. This has raised issues of appropriateness, which were already addressed by the ex-post evaluation of the social legislation in road transport[42] in preparation of the European Commission's Mobility Package[43]. The analysis found evidence that the existing rules are not well suited to the needs of the occasional road passenger transport sector, which reduces their effectiveness through the following problems:

- High regulatory costs for operators, especially for smaller companies;
- Difficulties with legal compliance;
- Unequal rules for drivers and operators in domestic and international carriage of passengers;
- Increased stress and fatigue of drivers having difficulties with meeting passengers' needs while complying with the rules;
- Consequent road safety issues.

Finally, the evaluation revealed that the underlying problem was that the EU legislation fails to take into account the operational specificities of the occasional road passenger transport sector. Indeed, the coach tourism sector is characterised by high seasonality, flexible schedules, and provision of passenger services. In addition to the identified regulatory problems, new problems have emerged linked to the outbreak of COVID-19 pandemic. The bus and coach sector was severely hit by the pandemic in light of the travel restrictions. It is estimated that the losses of the sector in Europe would reach more than 80% of their annual revenue in 2020.

The revision of the legislation promoted by the European Commission aims to help the sector to serve passengers efficiently and to contribute to making the European mobility system more efficient, safer, resilient and greener, while maintaining an adequate protection for drivers. To meet these objectives, the inception impact assessment identified the following preliminary policy options:

[41] Available at: Bus and coach drivers – EU rules on driving and rest times (europa.eu)
[42] Available at: LexUriServ.do (europa.eu)
[43] The European Commission's Mobility Package is a collection of three initiatives concerning the governance of commercial road transport in the European Union.

1) No change to the current rules;

2) Weekly rest arrangements – to allow for a restricted postponement of weekly rest period for bus and coach drivers involved in international and domestic occasional carriage of passengers;

3) Breaks and daily rest arrangements – to allow for flexible distribution of breaks in daily driving times and arrangements of taking daily rest for bus and coach drivers involved in international and domestic tours;

4) Breaks, daily rest and weekly rest arrangements - to allow for flexible distribution of breaks in daily driving times and adjustable arrangements of taking daily and weekly rest periods for bus and coach drivers involved in international and domestic occasional carriage of passengers.

From an **economic perspective**, policy options 2, 3 and 4 would ensure the possibility for drivers to arrange their work schedule more flexibly, according to their needs as well as the needs of their passengers. Domestic and international tour operators would follow the same rules and would be able to schedule drivers' shifts based on service demand level. Operators would be able to reduce their operational costs related to the need of ensuring additional drivers or renting local coaches for local short shuttle operations. However, these benefits could be outweighed by a potential increase in accumulated fatigue of drivers leading to road safety risks.

In terms of **social impacts**, drivers would benefit from clearer and more specific rules that in turn would likely improve working conditions by helping drivers to cope with passengers' and own needs as well as with traffic circumstances. They would help to avoid stressful and risky situations (including risks for health and safety) and lead to improvement of job satisfaction as well as clients' satisfaction. As the overall working conditions would improve, the profession could become more attractive to jobseekers.

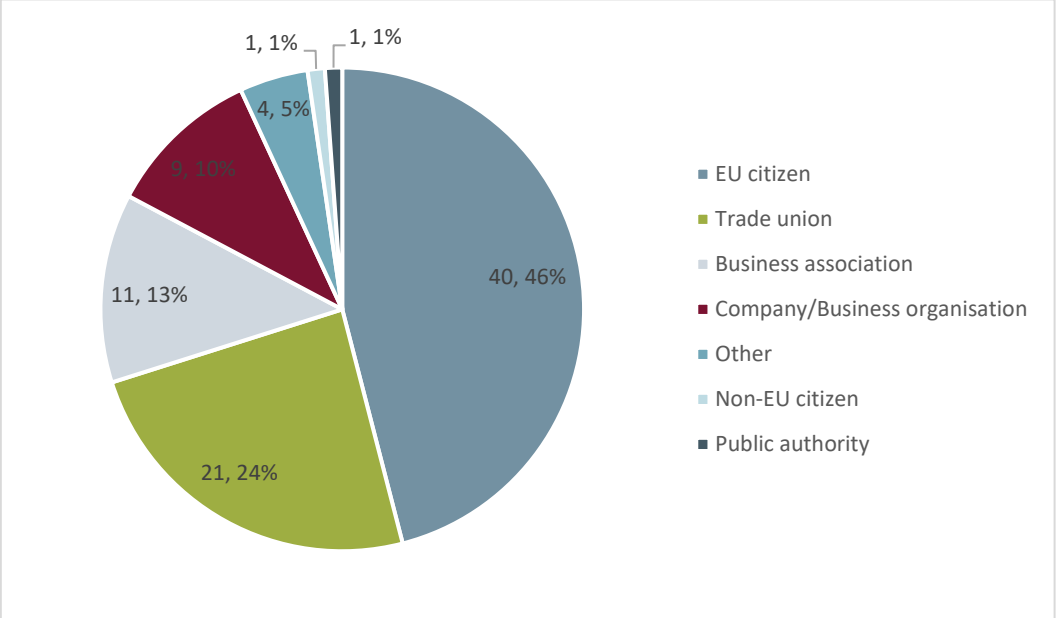
The **environmental added value** would stem from a more efficient organisation of transport operations. This would be driven by the reduction of extra journeys of substitute/replacement drivers and/or additional vehicles. Furthermore, in the long-term an overall increase of the transport of passengers by bus and coach would lead to lower level of CO2 emissions, as it has a relatively low level of CO2 emissions per passenger-kilometres compared to the use of private cars.

Lastly, a revision of the EU regulation could bring about impacts on both **fundamental rights** and the **administrative burden**. For what concerns the former, the initiative is expected to have a positive impact on fundamental rights, especially in terms of improved working conditions of the transport workers in the bus and coach sector. For what concerns the latter, clearer and well-adapted rules would increase the level of compliance and would render controls of compliance easier and more efficient, which would subsequently lead to reducing administrative burdens of Member States linked with control activities

3.2 Profile of respondents

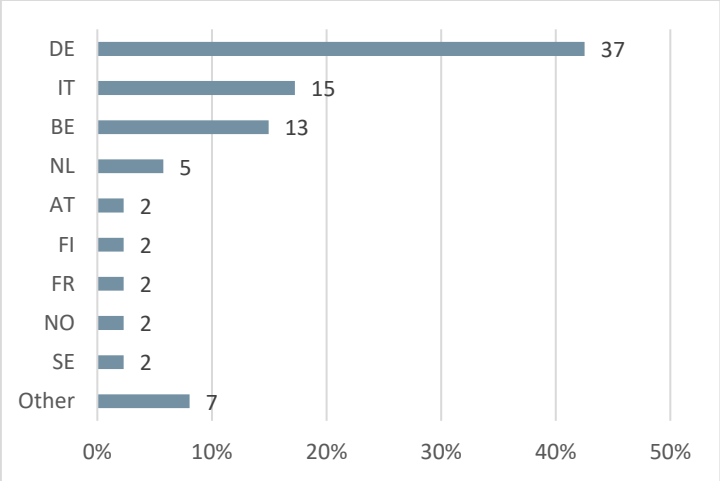
Between 21 January 2021 and 18 February 2021, the Commission gathered feedbacks from a total of 87 different stakeholders. The figure below shows the distribution of responses across categories.

Figure 3.1: Feedback received by category of respondent



In terms of country coverage, a plurality of respondents were from Germany (37), followed by respondents from Italy (15) and Belgium (13).

Figure 3.2: Country of origin of respondents[44]



3.3 Business association feedback

All business associations[45] reacting to the Inception Impact Assessment were consistent in their view that Regulation (EC) 561/2006 (and the amendments introduced in 2020)[46] failed to take into account some of the fundamental differences between the two types of transport considered. As highlighted, truck and bus operations are diverse: the considerable heterogeneity in the two industries stems from operational characteristics ranging from fleet and employer sizes to work schedules and on-the job activities. If freight transport activities are schedulable in compliance with Regulation (EC) 561/2006 on driving

[44] "Other" includes respondents from: CZ, DK, ES, SK, RO, UK and an international organization. "EU" includes respondents from Europe-wide organizations (e.g., EU Trade Unions and associations).
[45] The term "Business associations" includes both national associations/associations of bus and coach operators and tour operators.
[46] Regulation (EU) 1054/2020.

times, breaks and rest periods, the needs of bus/coach drivers and passengers cannot always comply with it (especially the occasional service). Whereas freight transport entails the delivery of goods from a starting to an arrival point in the fastest possible way (dividing the route into roughly equal segments), occasional bus and coach drivers sometimes cover the largest part of the planned route during the first and the last day of the journey (i.e., on days of departure and arrival).

Greater flexibility – while respecting the safety of drivers, passengers and road users – is deemed as essential for the occasional bus and coach industry, since it plays a pivotal role within the tourism industry. The perceived negative consequences of the current legislation are mostly connected with the harmful impact on the costs and profit margin in the sector. The lack of flexibility in working hours for bus and coach drivers – which currently follow the same standards for truck drivers in terms of daily driving times and breaks/rests[47] – entails the need to hire more drivers and bear more costs. This leads to reduced financial health in the sector as well as investments, and a slower recovery from the COVID-19 pandemic.

Overall, the main issue discussed by business associations is their concern that an inappropriate Regulation might have a negative impact not only on drivers' safety and stress levels (for example, if drivers are forced to rush to avoid exceeding the maximum driving time) but also on customers' needs. According to the business associations, more flexible rules would help the sector to deliver a more tailored service as the drivers' breaks can be synchronised with scheduled tour breaks.

Some of the changes proposed by the business associations to make the Regulation more flexible include: the possibility for drivers to take three breaks of 15 minutes, each after every driving period of four and a half hours (rather than one uninterrupted break of 45 minutes or a break of 15 minutes followed by a break of 30 minutes)[48,49]; the introduction of the 12-day derogation foreseen for international journeys also at the national level (international coach tour drivers can drive up to 12 days before they need to take a weekly rest period), which they envisage would alleviate the need for multiple drivers for longer domestic trips[50]; the possibility to be on duty for up to 18 hours in a day (instead of 15 hours)– provided that the daily rest time is not reduced – which would reportedly prevent drivers from rushing to reach their destination at the end of a trip; the possibility for drivers

[47] The main EU rules on driving, breaks and rest periods set out by Regulation 561/2006 are that workers must not drive more than: 9 hours in a day (this can be extended to 10 hours twice a week); 56 hours in a week; 90 hours in any two consecutive weeks. The main EU rules on breaks and rests are that drivers must take: at least 11 hours rest every day (this can be reduced to 9 hours rest three times between any two weekly rest periods); a continuative rest period of 45 hours every week (this can be reduced to 24 hours every other week); a break or breaks totaling at least 45 minutes after no more than 4 hours 30 minutes of driving; a weekly rest after six consecutive 24 hours periods of working, starting from the end of the last weekly rest period taken.

[48] At the present time, after a driving period of four and a half hours a driver shall take an uninterrupted break of not less than 45 minutes. This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes.

[49] As underlined by one business association, the possibility of taking more short breaks fits better the driving schedule of smaller groups of passengers (e.g., 10-15) who do not need long stops.

[50] Lastly the unequal rules for drivers and operators in domestic and international carriage of passengers (the 12-day derogation) was seen by associations to distort competition, as international operators have more flexible rest-regulation when performing the same work.

to take two consecutive reduced weekly rest periods[51], which would be compensated during the following week[52].

3.4 Company feedback

All companies[53] providing their feedback to the inception impact assessment considered that – while drivers' safety remains their biggest priority – the perceived rigidity of the Regulation constitutes a source of great stress for the drivers themselves, which companies in turn felt could increase daily fatigue. It was pointed out that drivers and operators face penalties for non-compliance with the rules on breaks and rest times. An example given was that safe driving may sometimes lead to breaking the limit of the maximum daily working hours. Similar rules were seen, in some ways, to encourage drivers to try to reach their destination point as fast as possible, regardless of safety concerns. The consequence of this could reportedly be reduced traffic safety and health among drivers, which in turn results in a socio-economic burden on the health sector, as well as reduced attractiveness of the sector to new labour.

3.5 Trade union feedback

All trade unions that participated in the inception impact assessment's consultation opposed a liberalisation of the current social legislation of road transport – a change which is considered to bring about negative impacts on the safety of workers, passengers, and other road users and thus to counteract the objective of the legislation itself. What trade unions and workers fear the most is the implementation of derogations to the general rules set out in Regulation (EC) 561/2006 on daily/weekly breaks and rest arrangements, and its consequences on bus and coach drivers' health and safety. Particularly, trade unions reported that of concerns to professional drivers is the manipulation of rules that place additional demands and stresses on the driver, which in turn affects driver safety, the safety of other road users and the long-term viability of undertakings. Therefore, any change to the rules should have protections in place to ensure that they cannot serve a purpose not expected under the spirit of the Regulation.

Such potential derogations mixed with what has been labelled by ETF as unfriendly work schedules, restricted social life during working periods, poor levels of pay are – according to EU citizens and trade unions – contributing to the unattractiveness of the bus driver profession. This in turn puts at risk the sustainability of a sector that is already facing labour shortages (and an increasingly old workforce). As reported by one respondent, to support this claim, the 2020 IRU driver shortage survey argued that commercial freight driver shortage on the continent to rise from 23% in 2019 to 36% in 2020; the survey also highlighted driver shortages in bus and coach transport[54]. Therefore, (unintended) future impacts need to be reflected on, and changes to the Regulation (EC) 561/2006 should be made in the spirit of good working conditions for drivers, fair business conditions for road transport undertakings and safer roads for all users.

In the majority of trade unions' opinion, to support the sector in its recovery (also in light of the COVID-19 pandemic's impact on tourism) and to make the bus and coach sector more resilient and attractive, the root causes of the above-described issues need to be

[51] According to regulation 561/2006 (Art. 4), weekly rest period means the weekly period during which a driver may freely dispose of his time; regular weekly rest period means any period of rest of at least 45h; reduced weekly rest period means any period of rest of less than 45 hours (to a minimum of 24 hours).
[52] According to regulation 561/2006 (Art. 6), "In any two consecutive weeks a driver shall take at least two regular weekly rest periods or one regular weekly rest and one reduced weekly rest period of at least 24 hours".
[53] "Companies" bus and coach operators in addition to tour operators.
[54] Available at: Reducing labour shortages by improving skills matching | IRU

addressed first. Namely, the bus and coach sector needs to meet the expectations of today's workforce in terms of quality of work and life as well as in terms of pay.

3.6 EU citizen feedback

According to the feedbacks received, there seems to be a deep harmony of views between trade unions and EU citizens (this could however be related to the fact that some EU citizens have identified themselves as – or seem to speak on behalf of – bus and coach drivers). In fact, a large majority of the EU citizens who provided feedback to the Inception Impact Assessment has expressed their concerns towards the preliminarily identified policy options (and potential legislative amendments). In line with trade unions, they seem to fear a deterioration of working conditions, driven by a worsening of occupational health and safety, which, in turn, might lead to negative impacts on road safety and the more general attractiveness of jobs in the sector.

Overall, what they call into question is rooted into the understanding of the role of professional bus drivers provided by the Commission and by the road transport industry as a whole. More specifically, "professional bus driver" is argued to be a term that is very loosely used to describe a worker who carries out a multitude of complex tasks in a very broad spectrum of working conditions and environments. While many are of the mind that the main activity is driving, in fact, the least stressful aspect of the job is driving itself (which in some cases can constitute only a small share of the total daily working time). To support this statement, one of the respondents quoted a recent survey[55] by the European Transport Workers Association (ETF) which argues that a large portion of the chronic fatigue reported by professional bus drivers is to be linked to the many activities they can be responsible for (besides driving): selling tickets (also a feature of urban and inter-urban road transport), cleaning the coach, selling drinks/snacks, baggage handling, pick-up/drop-off at the hotel, assisting passengers, etc. Furthermore, the ETF study argues that such "secondary" tasks limit daily rest periods and breaks. Drivers' tiredness is strictly connected with higher risks of road accidents which, in turn, undermine the achievement of "Vision Zero", the ambitious goal of the European Commission to reduce road deaths to almost zero by 2050.

Distancing himself from the opinion of most EU citizens, a respondent in this category claimed that having the same regulation for freight and passenger transport is simply unfeasible, as bus drivers have different duties such as taking care of customers and their needs. Although people safety should always be the first concern of legislators, the rigidity of the Regulation is such that it is perceived as a source of great stress for the drivers.

3.7 Public authority feedback

Similar concerns are expressed by the only public authority who provided feedback on the initiative. However, it recognised the need to increase the flexibility of legislation particularly for drivers in occasional transport of passengers by bus or coach. Indeed, the EU Regulation applies to both freight and passengers transport, providing similar guidelines in terms of organisation of working and driving times, and breaks and rest periods. Nonetheless, the bus and coach sector, which plays a vital role for the tourism industry, is dependent on holiday schedules and is organised very differently from freight transport activities and from other passenger services.

3.8 Conclusion

The inception impact assessment for an initiative on the EU rules on driving time, breaks and rest periods received a total of 79 submissions. Nearly half of them came from EU

[55] Available at: ETF: European Transport Workers' Association | ETF survey on driver fatigue in European road transport - ETF: European Transport Workers' Association (etf-europe.org)

citizens (46%), followed by trade unions (25%), Business associations (13%) and Companies (10%), with the remaining 6% comprised of public authorities, non-EU citizens and respondents ticking 'other'.

The consultation suggests that the **revision of Regulation (EC) No 561/2006 is a highly polarising issue**. Respondents to the initiative seem to be split into two major groups: on one side, trade unions and stakeholders responding as EU citizens expressed resistance to any changes to the current provisions on breaks and rest arrangements, which were reported as seen as harmful to occasional bus drivers' wellbeing and dangerous in terms of road safety; on the other side, businesses and business associations were in favour of introducing specific solutions for the sub-sector, which they felt would help it respond better to the needs of coach and bus drivers, to improve the experience of passengers, and to increase profit margins. The only public authority who participated in the initiative stood somehow in the middle: while recognising the need to increase the flexibility of legislation, it shared some of the concerns expressed by trade unions and citizens.

More specifically, trade unions and EU citizens (with only few exceptions) put the emphasis of their argument on the potential risks that the implementation of derogations to the general rules set out in Regulation (EC) 561/2006 might entail. For instance, more flexible working hours are perceived as dangerous for the health and safety of drivers, which in turn poses a threat on road safety. These factors are altogether contributing to the unattractiveness of the bus driver profession (which is already facing a significant labour shortage). EU citizens also criticise a lack of understanding of the role of professional bus drivers by the Commission. According to them, allowing for the extension of working hours/days means neglecting the diversified role of occasional bus drivers, who oversee other activities beyond driving (e.g. assisting passengers).

Business associations and companies argued that more flexible rules are necessary to differentiate between two inherently different types of transport: freight transport and occasional passenger transport. If freight transport activities are schedulable in compliance with Regulation (EC) 561/2006 on driving times, breaks and rest periods, the needs of bus/coach drivers and passengers cannot always comply with it (especially the occasional service). The lack of flexibility in working hours for bus and coach drivers – which currently follow the same standards for truck drivers in terms of daily driving times and breaks/rests – entails the need to hire more drivers and bear higher costs. This leads to reduced financial health in the sector as well as investments, and a slower recovery from the Covid-19 pandemic. Furthermore, the rigidity of the Regulation constitutes was reported by businesses and business associations to be a source of great stress for the drivers themselves, which adds up to the daily fatigue. This was attributed to the fact that drivers and operators can both face penalties for non-compliance with the rules.

4. Analytical methods used to assess the baseline scenario

This annex presents the methodology for and results of the analysis of the baseline scenario. The baseline scenario consisted of a stepwise approach to model the data from the occasional bus and coach sector until 2050. This has been a challenging exercise, due to the lack of granular data for the occasional transport of bus and coach passengers, which is a very small sub-sector of the transport market (as highlighted in the proposal and inception reports, as well as previous studies). Despite the lack of granular data, the team developed a methodological approach for extrapolating data on the sub-sector for all countries in the EU-27. This annex presents the methodological approach that was adopted and the main results.

4.1 Methodological approach

- Step 1: since there are no readily available projections on the occasional transport sector, we first had to obtain projections for the closest possible proxy. The projections for the bus and coach sector from the PRIMES-TREMOVE model have been used for this purpose[56]. These projections build on the EU Reference scenario 2020 but also reflect the "Fit for 55" package proposed by the European Commission in July 2021.

- Step 2: we then built a separate model[57] aimed at 'translating' the PRIMES-TREMOVE projections into occasional transport, using the information at our disposal. In practice, this meant identifying and assessing the relationship (i.e. correlation) between a key 'dependent variable' which is related to the occasional sector and for which data has been available – in this case numbers of passengers – and a relevant number of independent variables. If a strong correlation (i.e. a high goodness of fit) is obtained, the behaviour of the independent variables can be correlated to the dependent variable. This assessment was important to establish the behaviour of the dependent variable. The potential correlations, which took into account the independent variable GDP and tourism activity, as pointed out below, then served as the basis to estimate projections for the number of passengers in the sub-sector until 2050, which in turn allowed us to estimate the market share of the occasional transport within the overall bus and coach market.

- Step 3 involved extrapolating, based on real data from 9 countries considering a base year of 2019, data on transport activity (in terms of pax-km and thousands of passengers) for the remaining 18 countries of the EU-27. First, based on the data available, we estimated the share of national occasional bus and coach transport and international occasional bus and coach transport in terms of total bus and coach activity in 2019. In order to establish a correlation between the countries with data available in 2019 and those with missing data in the same year, some relevant parameters were considered to determine similarities between the use of land transport and the effect it has on occasional bus and coach transport, namely i) GDP per capita (with data from PRIMES-TREMOVE); ii) motorisation rate (Eurostat per 1,000 inhabitants); iii) rail passengers per inhabitants (Eurostat). Taking into

[56] The PRIMES-TREMOVE model developed by E3Modelling projects, on a five-year basis, the evolution of demand for passengers and freight transport by transport mode and vehicle types/fuel/technologies. The model includes all Member States of the EU and is also able to provide detailed outlooks for some other countries (PRIMES-TREMOVE – E3 Modelling).

[57] This is a multi-variate regression model, which, as the name implies, is a technique that measures the relationship between multiple independent variables to explain and estimate a particular dependent variable. It is a tool widely used for forecasting parameters over time, establishing descriptive and causal inferences.

account the base year of 2019, projections until 2050 for all EU-27 countries were determined using the results from the model developed in Step 2.

- Step 4 involved using the correlations established on the market share of occasional transport to make projections for a variety of relevant indicators (employment levels, turnover and the number of occasional bus and coach companies). These projections are carried out taking into account the behaviour of the independent variables over time and the evolution of the market share over the years. It was not possible to make such projections for the fleet size in the sub-sector, as we considered that such variable cannot be estimated as a proportion to market share, given that the occasional sub-sector's fleet is typically characterised by a mix of vehicles that operate in regular and occasional services.

- Step 5 involved a qualitative assessment of other variables, which cannot be derived quantitatively due to lack of data or because of their qualitative nature. This is especially the case for parameters such as levels of fatigue, etc. This assessment is carried out based on the results from the stakeholder consultation and expressed using numbers where relevant and possible (e.g. operating costs).

4.2 Data collection phase

In order to assess the baseline scenario of the occasional bus and coach sector, several indicators (quantitative and qualitative) were pre-defined. Although extensive research was done to gather quantitative evidence, scarce and patchy data was only found in some countries. This research was done on official national and European studies, reports, surveys and from national databases.

It is important to note that as the data available per country varies, the analyses presented in the following section involve different combinations of countries. The following table shows which historical variables are available in each Member State. Estimated data are based on existing data from other years.

Table 4.1: Historical data available in the period between 2012-2019[58]

	Total number of passengers in bus and coach transport	Number of passengers in national[59] bus and coach transport	Number of passengers in international bus and coach transport	Total number of passengers in occasional bus and coach transport	Number of passengers in national occasional bus and coach transport	Number of passengers in international occasional bus and coach transport
Belgium	Available	Estimated	Estimated	Estimated	Estimated	Estimated
Czechia	Available	Available	Available	Available	Available	Available
Estonia	Available	Available	Available	Estimated	Available	Estimated
Germany	Available	Available	Available	Estimated	Available	Estimated
Hungary	Available	Available	Available	Available	Available	Available
Lithuania	Available	Available	Available	Estimated	Available	Estimated
Netherlands				Estimated [60]	Estimated	Estimated

[58] Data retrieved from Eurostat
[59] National transport is related to passenger services within a certain country
[60] Estimated based on the reports on Key Figures of Dutch Coach Transport in 2018, 2019 and 2020 (Kerncijfers van het Nederlandse touringcarvervoer, Panteia)

Poland	Available	Available	Available	Available	Available	Available
Portugal	Available	Available	Available	Available	Available	Available
Romania	Available	Available	Available	Available	Available	Available
Spain	Estimated	Available	Estimated	Estimated[61]	Available	Estimated

Source: Authors' own compilation

4.3 Data used

The following tables show the data that the team was able to collect. The data was retrieved from multiples sources, namely from UNECE, national databases and some national/social representatives reports.

[61] Estimated based on reports from CONFEBUS

Table 4.2: Historical data available on bus and coach transport activity (total) in the period from 2013-2019, from the Statistical Pocketbook in Transport

	2013	2014	2015	2016	2017	2018	2019
Country	Total bus and coach (billion pkm)						
AT	8.8	9.0	9.1	9.4	9.7	10.3	10.4
BE	15.8	15.4	14.4	13.6	13.4	13.5	13.7
BG	10.3	11.5	12.5	12.2	10.6	9.9	10.8
CY	1.3	1.3	1.4	1.5	1.5	1.6	1.6
CZ	15.7	17.1	16.3	17.3	18.3	18.1	18.0
DE	60.5	62.2	65.1	64.4	62.5	62.5	61.3
DK	6.5	6.6	6.9	7.1	7.3	7.1	6.9
EE	2.4	2.4	3.1	2.9	2.8	2.8	3.1
EL	21.0	21.0	21.1	20.9	20.5	20.5	20.3
ES	53.8	39.5	46.4	47.8	30.5	32.2	33.3
FI	7.5	7.5	7.5	8.3	8.2	8.0	7.9
FR	55.7	57.2	58.0	59.3	59.5	60.0	59.2
HR	3.5	3.6	3.4	3.8	4.2	3.8	4.0
HU	17.1	17.6	17.8	17.8	18.3	18.9	18.8
IE	8.1	8.4	8.5	9.0	9.8	10.5	10.7
IT	101.8	102.8	102.5	102.3	102.7	103.0	104.3
LT	2.8	3.0	2.7	2.6	2.7	2.8	2.9
LU	1.0	1.0	1.1	1.1	1.1	1.2	1.2
LV	2.3	2.3	2.2	2.2	2.1	2.2	2.2
MT	0.5	0.5	0.5	0.5	0.6	0.6	0.6
NL	4.6	4.5	4.9	5.0	4.6	5.5	5.5
PL	37.8	39.2	37.6	36.8	36.1	34.5	36.2
PT	6.0	5.7	6.6	7.6	7.4	7.9	7.9
RO	17.1	18.3	24.9	25.6	25.0	26.7	26.7
SE	9.7	9.7	9.8	9.9	10.0	10.0	10.1
SI	3.3	3.4	3.6	3.6	3.7	3.8	3.8
SK	5.3	5.4	5.4	5.9	5.9	6.2	6.2

Source: Data from the EU transport in figures - Statistical pocketbook 2022

Table 4.3: Historical data available on the number of overall bus and coach passengers (total) in the period from 2013-2019

	2013	2014	2015	2016	2017	2018	2019
Country	Total bus and coach (thousand passengers)						
AT	179,909	180,068	179,465	179,839	178,538	178,586	178,586
BE	21,060	18,851	18,562	16,565	14,248	14,924	149,239
BG	426,763	425,603	442,244	447,621	445,332	422,532	446,185
CY	N/A	N/A	N/A	N/A	N/A	N/A	155,838
CZ	1,127,390	1,125,375	1,131,020	1,127,563	1,130,333	1,200,079	1,237,924
DE	5,587,793	5,592,743	5,574,012	5,585,616	5,545,214	5,546,700	5,546,700
DK	N/A	N/A	N/A	N/A	N/A	N/A	6,939,848
EE	176,440	175,669	179,120	171,414	158,075	150,202	161,800
EL	N/A	N/A	N/A	N/A	N/A	N/A	2,098,990
ES	N/A	N/A	N/A	N/A	N/A	N/A	1,351,895
FI	352,736	349,416	347,612	348,336	345,816	345,909	345,909
FR	N/A	N/A	N/A	N/A	N/A	N/A	3,401,187
HR	248,536	250,396	250,964	252,132	249,382	238,117	231,878
HU	1,632,681	1,651,105	1,630,622	1,596,913	1,590,255	1,631,028	1,587,929
IE	192,535	197,390	200,994	205,571	217,605	226,745	227,698
IT	3,832	N/A	N/A	N/A	3,833	3,831	3,760,000
LT	298,173	321,451	300,567	291,505	292,243	288,684	290,106
LU	N/A	N/A	N/A	N/A	N/A	N/A	76,083
LV	147,222	146,115	144,375	141,390	138,467	135,605	132,802
MT	N/A	N/A	N/A	N/A	N/A	53,467	57,409
NL	N/A	N/A	282,600,000	282,600,000	282,600,000	282,600,000	410,709
PL	4,080,846	4,142,660	4,088,929	4,156,665	4,117,974	4,110,605	4,192,345
PT	546,383	476,348	515,092	513,389	514,832	543,144	565,911
RO	274,393	282,019	1,488,456	1,374,841	1,401,316	1,432,919	1,317,893
SE	N/A	N/A	N/A	N/A	N/A	N/A	345,909
SI	N/A	N/A	N/A	N/A	N/A	N/A	168,238
SK	N/A	N/A	N/A	N/A	N/A	N/A	398,855

Source: Data from Eurostat
Note: Highlighted cells indicate extrapolated/estimated data

Table 4.4: Historical data available on the number of national occasional bus and coach passengers in the period from 2013-2019

	2013	2014	2015	2016	2017	2018	2019
Country	Occasional national bus and coach transport (passengers)						
AT	140,366	N/A	N/A	N/A	N/A	N/A	N/A
BE	21,060	18,851	18,562	16,565	14,248	14,924	14,924
BG	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CY	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CZ	N/A	38,375	42,218	28,830	31,712	33,628	37,784
DE	63,537	65,958	70,702	69,911	68,770	65,020	N/A
DK	N/A	N/A	N/A	N/A	N/A	N/A	N/A
EE	3,195	4,466	4,137	2,465	3,547	3,340	4,830
EL	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ES	156,328	162,916	170,896	179,791	192,189	205,809	205,809
FI	17,532	16,577	16,725	N/A	N/A	N/A	N/A
FR	N/A	N/A	N/A	N/A	N/A	N/A	N/A
HR	5,773	4,846	N/A	N/A	N/A	N/A	N/A
HU	76,170	74,658	75,644	75,493	80,298	83,112	85,363
IE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LT	4,175	4,273	4,988	5,349	5,778	6,499	7,340
LU	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LV	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NL	37,137	33,891	34,238	33,478	33,973	35,584	35,714
PL	17,727	18,045	15,094	16,336	15,453	11,916	10,285
PT	9,055	10,249	12,235	10,691	14,501	11,520	9,881
RO	13,315	13,736	11,092	13,197	16,200	25,867	30,913
SE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SK	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Source: Data from Eurostat

Table 4.5: Historical data available on the number of occasional international bus and coach passengers in the period from 2013-2019

	2013	2014	2015	2016	2017	2018	2019
Country	Occasional international bus and coach transport (passengers)						
AT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BG	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CY	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CZ	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DK	N/A	N/A	N/A	N/A	N/A	N/A	N/A
EE	560	557	408	323	515	491	557
EL	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ES	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FR	N/A	N/A	N/A	N/A	N/A	N/A	N/A
HR	703	773	N/A	N/A	N/A	N/A	N/A
HU	1,659	2,223	2,361	2,481	3,049	4,015	4,093
IE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LU	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LV	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NL	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PL	998	943	1,482	985	1,033	939	1,411
PT	288	400	292	412	457	553	471
RO	955	870	855	369	638	841	951
SE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SK	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Source: Data from Eurostat

Table 4.6: Historical data available on the volume of national occasional bus and coach transport (pax-km) in the period from 2013-2019

	2013	2014	2015	2016	2017	2018	2019
Country	Occasional national bus and coach transport (million pax-km)						
AT	7,903	N/A	N/A	N/A	N/A	N/A	N/A
BE	2,312	2,181	2,251	2,096	1,940	1,859	2,124
BG	N/A	N/A	N/A	N/A	N/A	N/A	329
CY	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CZ	N/A	3,800	3,717	3,648	4,318	4,083	4,158
DE	13,066	12,620	13,185	12,597	12,022	11,557	11,349
DK	N/A	N/A	N/A	N/A	N/A	N/A	N/A
EE	315	270	454	397	306	275	359
EL	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ES	N/A	N/A	N/A	N/A	N/A	N/A	6,500
FI	1,231	1,114	1,107	1,051	998	947	899
FR	N/A	N/A	N/A	N/A	N/A	N/A	N/A
HR	535	612	700	801	916	1,048	1,073
HU	3,202	3,233	3,511	3,926	4,374	4,805	5,229
IE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LT	197	223	245	228	274	285	348
LU	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LV	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NL	4,077	3,921	3,921	N/A	N/A	N/A	N/A
PL	1,981	2,061	1,625	1,740	1,539	1,499	2,937
PT	796	950	1,086	1,184	1,598	1,575	1,357
RO	932	935	831	1,021	1,250	1,206	1,636
SE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SK	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Source: Data from Eurostat
Note: Highlighted cells indicate extrapolated/estimated data

Table 4.7: Historical data available on the volume of international occasional bus and coach transport (pax-km) in the period from 2013-2019

	2013	2014	2015	2016	2017	2018	2019
Country	Occasional international bus and coach transport (million pax-km)						
AT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BE	1,780	1,679	1,733	1,614	965	1,043	1,098
BG	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CY	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CZ	N/A	N/A	N/A	N/A	N/A	N/A	1,432
DE	N/A	N/A	N/A	N/A	N/A	N/A	5,169
DK	N/A	N/A	N/A	N/A	N/A	N/A	N/A
EE	312	192	172	147	230	208	280
EL	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ES	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FR	N/A	N/A	N/A	N/A	N/A	N/A	N/A
HR	188	193	N/A	N/A	N/A	N/A	N/A
HU	805	1,117	1,288	1,296	1,412	1,566	1,476
IE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LU	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LV	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MT	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NL	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PL	1,438	1,526	3,030	1,583	1,696	1,578	1,794
PT	295	315	281	744	525	645	563
RO	1,445	871	978	427	591	961	973
SE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SK	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Source: Data from Eurostat

Table 4.8: Historical data available on the turnover of *other passenger land transport n.e.c* in the period from 2013-2019

	2013	2014	2015	2016	2017	2018	2019
Country	Annual detailed enterprise statistics for services - Other passenger land transport n.e.c. Turnover or gross premiums written - million euro						
AT	2,023	2,055	2,161	2,366	2,308	2,268	2,188
BE	716	644	697	710	663	551	658
BG	210	212	208	210	215	217	234
CY	32	30	31	34	39	37	39
CZ	N/A	N/A	306	335	386	518	585
DE	4,250	4,422	4,649	5,090	4,966	4,879	4,707
DK	523	611	576	587	608	644	673
EE	108	131	125	124	132	129	139
EL	515	794	756	644	715	761	809
ES	3,777	3,949	4,153	3,958	4,126	4,341	4,449
FI	N/A	N/A	N/A	N/A	N/A	513	536
FR	7,565	7,019	7,150	7,052	13,274	13,900	13,445
HR	242	258	276	294	320	336	344
HU	503	578	790	863	995	1,336	1,508
IE	689	754	828	1,000	975	958	924
IT	3,579	3,718	3,752	3,767	3,559	3,748	3,964
LT	39	42	45	54	69	91	106
LU	222	217	227	259	264	307	266
LV	32	32	30	30	37	35	37
MT	N/A	N/A	N/A	N/A	N/A	N/A	73
NL	N/A	N/A	2,018	2,304	2,345	2,723	2,365
PL	1,295	1,409	1,325	1,281	1,285	1,599	1,680
PT	581	578	585	599	631	714	759
RO	553	607	575	592	613	746	787
SE	519	517	509	507	475	531	605
SI	179	180	183	180	193	218	222
SK	121	138	138	160	206	212	214

Source: Data from Eurostat
Note: Highlighted cells indicate extrapolated/estimated data

Table 4.9: Historical data available on the number of persons employed for *other passenger land transport n.e.c* in the period from 2013-2019

	2013	2014	2015	2016	2017	2018	2019
Country	Annual detailed enterprise statistics for services - Other passenger land transport n.e.c. Number of persons employed						
AT	16,051	16,120	16,112	16,626	16,288	15,883	16,524
BE	7,073	6,566	7,208	6,855	7,351	6,418	7,129
BG	10,233	10,173	10,043	10,254	9,936	9,586	9,510
CY	559	579	659	701	744	774	826
CZ	N/A	N/A	5,961	6,687	7,464	9,063	9,486
DE	73,046	74,938	74,903	77,288	75,719	73,838	76,814
DK	5,787	6,499	5,969	5,583	6,078	6,463	6,287
EE	2,143	2,493	2,475	2,238	2,269	2,308	2,354
EL	8,916	15,286	13,513	13,111	11,374	12,711	13,277
ES	49,859	50,062	51,192	53,651	56,745	57,720	56,579
FI	N/A	N/A	N/A	N/A	N/A	6,283	6,112
FR	102,038	94,887	N/A	87,050	119,931	117,771	121,629
HR	6,109	6,443	6,876	7,106	7,078	7,027	7,656
HU	15,198	16,685	25,392	28,485	31,794	38,606	40,407
IE	6,519	6,692	6,996	7,322	7,971	8,476	8,245
IT	42,531	42,855	42,995	43,796	42,370	41,161	41,561
LT	1,529	1,472	1,501	1,953	3,166	4,541	6,121
LU	2,986	3,030	3,176	3,361	3,527	3,815	3,982
LV	1,405	1,492	1,400	1,478	1,596	1,569	1,600
MT	N/A	N/A	849	N/A	N/A	N/A	1,101
NL	25,803	24,657	24,059	24,827	24,604	24,790	25,230
PL	37,473	38,254	36,391	35,001	34,227	35,390	34,894
PT	10,668	10,864	10,708	11,006	11,344	11,603	12,120
RO	20,758	20,961	21,424	22,549	22,420	24,164	24,588
SE	5,075	5,308	5,402	5,191	4,962	5,401	6,624
SI	3,070	3,113	3,191	3,212	3,268	3,479	3,551
SK	3,784	5,410	5,806	6,107	6,829	7,330	6,822

Source: Data from Eurostat
Note: Highlighted cells indicate extrapolated/estimated data

4.4 Market share of occasional transport within the passenger bus and coach sector

The data collection phase served specially to highlight the lack of data regarding international occasional bus and coach services. Nevertheless, where data were available, international occasional services were proven to be considerably less significant when compared to national transport. Data on the overall sector was also important to estimate the market share of occasional bus and coach transport.

The starting point is the table below, which shows transport activity of occasional bus and coach transport for a sample of countries for the latest available year (usually 2019).

Table 4.10: Share of national and international occasional bus and coach transport for the sample of nine countries in 2019

Million Passenger-km in the occasional bus and coach services and share in terms of total occasional bus and coach transport in 2019					
	National Occasional	% of total occasional	Occasional International	% of total occasional	Total Occasional
Belgium	2,124	66%	1,098	34%	3,222
Czechia	4,158	74%	1,432	26%	5,590
Estonia	359	56%	280	44%	639
Germany	11,284	68%	5,236	32%	16,520
Hungary	5,229	78%	1,476	22%	6,705
Lithuania	348	54%	299	46%	647
Poland	2,937	62%	1,794	38%	4,731
Portugal	1,357	71%	563	29%	1,920
Romania	1,636	66%	973	34%	2,609
Average		**66%**		**34%**	

Sources: Data from Eurostat

As mentioned, the 2019 figures show a larger share of national occasional services of bus and coach transport activity in terms of occasional bus and coach transport activity across the sample of countries analysed. Lithuania showed the highest share of international occasional services in the sample, with 46%. In turn, the lowest share of international occasional bus and coach services was experienced in Czechia, accounting for 26%.

With this in mind, in order to establish a correlation between these countries with data available for 2019 and those with missing data for the same year, we considered the following parameters:

i) GDP per capita (with data from PRIMES-TREMOVE);

ii) Motorisation rate (Eurostat per 1,000 inhabitants);

iii) Rail passengers per inhabitants (Eurostat).

This correlation was established as a way to determine similarities between the use of land transport and the effect it has on occasional bus and coach transport, also taking into account the effect of economic indicators (i.e. GDP per capita). These correlations were then used to estimate the share of occasional transport in terms of overall road transport in 2019, with the latter available from PRIMES-TREMOVE's data.

Table 4.11: Occasional bus and coach transport activity (Gpkm) and respective market share in relation to the overall bus and coach market in 2019 in the EU-27

	Market share of occasional bus and coach transport activity vs overall bus and coach passenger sector	Occasional Bus and Coach Transport Activity (Gpkm) in 2019
AT	25.7%	2.65
BE	22.4%	3.22
BG	12.0%	1.50
CZ	34.4%	5.59
CY	20.5%	0.29
DE	25.4%	16.52
DK	24.8%	1.70
EE	20.3%	0.64
ES	19.8%	9.20
EL	16.6%	3.51
FI	27.8%	2.09
FR	24.9%	14.35
HR	41.3%	1.39
HU	37.6%	6.70
IE	35.9%	3.06
IT	30.1%	30.85
LV	9.5%	0.21
LT	23.6%	0.65
LU	39.6%	0.43
MT	20.5%	0.11
NL	31.5%	1.54
PL	12.6%	4.73
PT	29.2%	1.92
RO	14.1%	2.47
SE	25.2%	2.48
SI	21.8%	0.78
SK	27.3%	1.47
EU-27	**24.7%**	**120.05**

Source: Authors' own compilation, based on extrapolations[62] and real data

Transport activity in the occasional bus and coach sector represented approximately 25% of the overall bus and coach activity in the EU-27 in 2019. The highest volume of occasional bus and coach transport was observed in Italy (30.85 Gpkm), while the lowest was in Latvia (0.21 Gpkm), respectively representing 30.1% and 9.5% in relation to overall road transport activity in these countries.

A similar exercise was carried out to estimate the number of passengers for occasional bus and coach transport in all countries in the EU-27. The number of passengers of occasional bus and coach transport is represented in the table below.

[62] Data on total bus and coaches was extrapolated considering figures from the 2022 Statistical Pocketbook in Transport and data from PRIMES-TREMOVE

Table 4.12: Occasional bus and coach passenger (thousand) and respective market share in relation to the overall bus and coach market in 2019 in the EU-27

	Market share of occasional bus and coach transport passengers vs overall road passenger sector	Occasional Bus and Coach Transport passenger (passengers)
AT	2.5%	4,521
BE	2.4%	3,511
BG	3.6%	15,857
CZ	5.9%	72,472
CY	4.4%	6,851
DE	2.3%	130,040
DK	2.2%	152,322
EE	5.2%	8,428
ES	3.8%	51,682
EL	4.1%	86,900
FI	4.2%	14,655
FR	2.2%	73,304
HR	10.3%	23,949
HU	10.5%	166,279
IE	2.5%	5,604
IT	4.8%	180,268
LV	0.6%	735
LT	4.8%	13,871
LU	3.0%	2,317
MT	4.7%	2,723
NL	8.8%	36,231
PL	0.5%	22,438
PT	3.9%	21,883
RO	4.2%	54,704
SE	2.1%	7,331
SI	5.2%	8,794
SK	3.8%	15,130
EU-27	**3.31%**	**1,182,801**

Source: Authors' own compilation, based on extrapolations and available data

The number of passengers in the sub-sector represented on average 3.3% of total bus and coach transport in the EU-27 in 2019. The highest share was observed in Hungary (10.5%), while Poland had the lowest share (0.5%). It is important to note that in countries with high touristic activity, such as Italy, Portugal and Spain, the share of occasional bus and coach passengers represented between 3.8% and 5% of the total share of road passenger transport.

For the following sections, the team adopted a mixed approach to compute the future trends of the sector, initially applying a multivariate linear regression model, and computing trends aiming to project the values of the main indicators to the future. The following points are focused on the modelling at the different stages.

4.5 Modelling approach adopted

a. Description of the modelling tool used: Regression analysis

The following equation describes the model used.

$$y = a \cdot x_1 + b \cdot x_2 + \cdots + \varepsilon$$

Where y is the result for the dependent variable, a and b are the coefficients of the independent variables (x_1 and x_2), and ε is the intercept of the regression.

The model used to make the prediction of the outcome of the dependent variable was the Multivariate Linear Regression Model[63]. This statistical technique uses explanatory variables to predict the outcome of a response variable. The goal is to model the linear regression between the independent (explanatory) variables and dependent (response) variables. For this purpose, the team considered the level of interception (equal to 0) and the correlation coefficients, namely if the value and the signal appropriately described the dependent variable in each country. **Figure 4.1** illustrates the example for Spain (dependent variable: occasional services; independent variables: GDP and tourism). This shows a strong R^2, as well as reliable correlation coefficients. Regression analyses is a tool often used in transport modelling (in various transport modes) for estimating transport demand and its determinants [64,65,66].

b. Description of the Dependent and Independent Variables

The modelling approach was adopted to compute potential correlations between the data collected and the independent variable.

At this stage, the **dependent variable**, i.e. the parameter being predicted, was considered the number of passengers in the occasional bus and coach sector. This variable was tested both in terms of the number of passengers and passenger-kilometres. In addition, services were distinguished between national and international transport.

The definition of the **independent variables** – i.e. those variables that will not change due to the dependent variable and are used to explain the latter – was based on certain conditions. Firstly, only variables with a broad impact in the transport sector, and more specifically in the bus and coach market, were considered. In addition, only data available in European reports or official databases were taken into account.

In this regard, the independent variables defined were:

- Gross Domestic Product (in millions of Euros),
- Tourism activity (in terms of expenditure and investment, and accounted in thousands of Euros),

Data on tourism was calculated based on projections from the World Tourism Organization[67] and trends for the European Regions, as well as on the unemployment rate from the latest Ageing Report[68]. The GDP projections draw on the latest Ageing Report[69].

[63] Multiple Linear Regression (MLR) Definition (https://www.investopedia.com/terms/m/mlr.asp)
[64] Ortuzar, Juan de Dios; Willumsen, Luis G. Modelling Transport (2011) – Fourth edition. p. cm
[65] Bureau of transportation statistics, available at: https://www.bts.gov/archive/subject_areas/national_household_travel_survey/methodology/regression_estimation
[66] Fitting a multiple regression line to travel demand forecasting: The case of the prefecture of Xanthi, Northern Greece, Mathematical and Computer Modelling, Volume 42, Issues 7–8, 2005, Pages 817-836, ISSN 0895-7177, https://doi.org/10.1016/j.mcm.2005.09.010.
[67] European Union Tourism Trends (e-unwto.org)
[68] The 2021 Ageing Report: Economic and Budgetary Projections for the EU Member States (2019-2070) | European Commission (europa.eu)
[69] The 2021 Ageing Report: Economic and Budgetary Projections for the EU Member States (2019-2070) | European Commission (europa.eu)

c. Statistical Tests

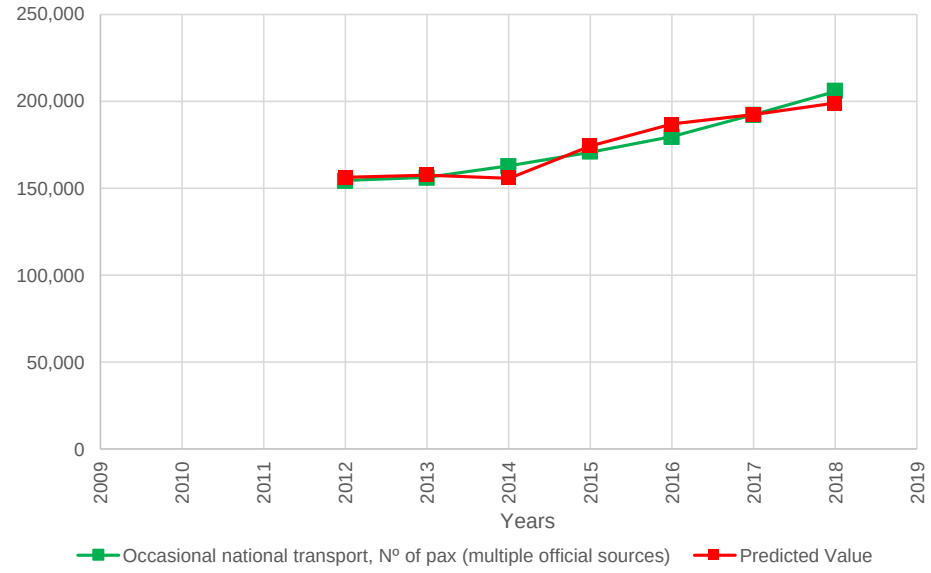
The team carried out several **statistical tests**, aiming at understanding the correlations between the dependent variable and the independent variables. To assess the statistical significance, the team considered a p-value[70] lower than 0.10. This has the objective of testing the probability of the hypothesis test (null hypothesis), i.e. no correlation between the independent and the dependent variable. In this regard, a p-value lower than 0.10 is indicative of a low evidence that the null hypothesis is true, thus of a good fit.

In addition, the team considered regressions that returned a R^2 above 0.95[71]. This statistical measure shows how well the data fit the regression model; a higher R^2 means a higher fit of the data into the regression model.

The behaviour of the curves (regarding the predicted and normal values), as shown in the figure below, show a high goodness-of-fit of the data in the model.

Figure 4.1: Statistical tests for Spain. Dependent variable occasional national transport (number of passengers) and independent variable Tourism (Expenditure and Investment, thousand euro)

Significance		*Occasional national transport, Nº of pax (multiple official sources)*	*Tourism (Expenditure and Investment), thousand euro (Eurostat)*	
0.00054	Coefficients		0.00	0.00
R^2	P-value		0.00	0.00
0.92503	Lower 90,0%		0.00	0.00
	Upper 90,0%		0.00	0.00



Source: Authors' own compilation

After the initial set of tests, some adjustments were carried out aiming at correcting some outlier dependent variables, especially ensuring the harmonisation of different sources of data. Furthermore, considering the low

[70] The p-value is the probability of finding the observed, or more extreme, results when the null hypothesis of a study question is true.
[71] The R-squared (R^2) is a statistical measure that represents the proportion of the variance for a dependent variable that is explained by an independent variable or variables in a regression model.

share of international bus and coach services, the modelling was focused on national passenger services, assuming the same behaviour both for national and international shares.

As previously mentioned, the team performed the tests for countries where data on the number of occasional passengers of bus and coach transport was available, namely Belgium, Czechia, Estonia, Germany, Hungary, Lithuania, Poland, Portugal and Romania. For those countries with a strong correlation between variables, a high goodness of fit was found for one or two independent variables. This sample ensured a reasonable geographical balance within Europe.

d. Main Outputs

The analysis focused on the R^2 (typically used to define the proportion of the variance for a dependent variable that is explained by an independent variable) and on the coefficients between the dependent and the independent variables. Furthermore, additional corrections were applied:

- For adjusting the base year of each regression (i.e., base year difference between the regression output and the historical value is set to zero, directly using the growth rate between two consecutive results of the regression to apply to each previous year);
- On the data (namely tourism forecasts[72]), aiming to reflect the impact of COVID-19 pandemic on the tourism figures (a "delay" in the forecasts was introduced, making the original forecast volumes for 2020 being reached only around 2024).

However, given the small dataset with real data available, some projections may be overestimated, especially in larger countries with higher GDP rates (such as Germany), or even underestimated (e.g. in smaller countries such as Estonia and Lithuania). We attempted to overcome these limitations by ensuring a higher goodness fit with independent variables that would also better reflect the reality of the sub-sector in the sample of countries with data available.

Figure 4.2: Summary output for the regression for Spain

SUMMARY OUTPUT

Regression Statistics	
Multiple R	0.96178563
R Square	0.925031598
Adjusted R Sq	0.910037917
Standard Erro	5742.611247
Observations	7

ANOVA

	df	*SS*	*MS*	*F*	*Significance F*
Regression	1	2034544299	2034544299	61.69476524	0.00053712
Residual	5	164887919.7	32977583.94		
Total	6	2199432219			

	Coefficients	*Standard Error*	*t Stat*	*P-value*	*Lower 95%*	*Upper 95%*	*Lower 90,0%*	*Upper 90,0%*
Intercept	91172.21636	10844.65482	8.407110954	0.000390293	63295.14365	119049.2891	69319.7123	113024.7204
Tourism (Expe	0.002656118	0.000338161	7.854601533	0.00053712	0.001786848	0.003525389	0.001974708	0.003337529

Source: Authors' own compilation

[72] At the time of the analysis, projections from the World Tourism Organization did not take into account the effect of COVID-19.

Table 4.13: Main outputs of the regression analysis

	Main outputs of the regression analysis					
	Independent Variable 1	**Independent Variable 2**	**R square**	**Coefficient 1**	**Coefficient 2**	**Correction Factor**
Belgium	GDP	Tourism	0.96935	0.00501	0.00168	0.79825
Czechia	GDP	Tourism	0.89672	0.08689	0.00105	1.00392
Germany	Tourism		0.97354	0.0051		0.75302
Hungary	GDP		0.90385	0.25193	-	1.00417
Lithuania	GDP		0.99485	0.13814	-	1.08747
Poland	GDP	Tourism	0.93031	0.03028	0.00001	0.60512

Source: Authors' own compilation

For each of the seven countries in the sample, good correlations were found for regressions for at least one variable in seven out of the nine countries, with two countries presenting a goodness of fit[73] with both independent variables. For Hungary and Lithuania, a strong correlation was shown with the independent variable GDP, i.e. the dependent variable was clearly explained by the GDP, as it is common in most transport demand analyses. For Germany and Spain, the model showed a strong goodness of fit for the independent variables GDP and tourism, which shows the strong impact between the occasional bus and coach sector on the GDP and tourism in these countries. In turn, Czechia, Belgium and Poland presented good correlations with both GDP and tourism.

e. Additional projections

Besides the regression analysis explained in the previous sections, the team established a way to determine similarities between the use of land transport and the effect it has on occasional bus and coach transport in order to fill in the gap on missing data for the remaining countries of the EU-27. As previously mentioned, these correlations were established by comparing GDP per capita, motorisation rate and rail passengers per inhabitants.

These correlations were then used to estimate the share of occasional transport in terms of overall road transport in 2019. Taking into account the base year of 2019, projections until 2050 for all EU-27 countries were determined using the results from the regression analysis for the country with data available. For countries with missing data, we considered the extrapolations that had been previously determined.

4.6 Future projections for total occasional bus and coach activity

The following table shows the projections over time of the transport activity in occasional national bus and coach services, expressed in Gpkm. These projections were used to estimate the market share of the occasional bus and coach sub-sector. A detailed analysis is presented in chapter 7 of the main report.

Using the figures on market share and the PRIMES-TREMOVE projections on transport activity in Gpkm in the bus and coach sector as a whole, it has been possible to estimate the evolution of the transport activity in occasional bus and coach transport, expressed in Gpkm, in the baseline scenario. The projections are shown in the table below, covering the period until 2050 and considering the COVID-19 pandemic, which has severely impacted

[73] As explained above, a strong goodness of fit means that the independent variables and dependent variables can be correlated.

the tourism sector and consequently is affecting the tourism-dependent occasional bus and coach sub-sector.

Table 4.14: Projection of the transport activity (in Gpkm) in occasional bus and coach sector in the EU-27 in 2019-2050

Evolution of the occasional bus and coach activity (Gpkm) over time								
	2019	**2020**	**2025**	**2030**	**2035**	**2040**	**2045**	**2050**
AT	2.65	0.53	2.91	3.37	3.56	3.51	3.77	4.13
BE	3.22	0.40	3.22	3.51	3.66	3.46	3.56	3.72
BG	1.50	0.15	1.28	1.50	1.55	1.50	1.60	1.65
CZ	5.59	1.13	4.30	5.37	5.90	5.82	6.24	6.85
CY	0.29	0.01	0.30	0.38	0.40	0.38	0.40	0.42
DE	16.52	3.29	18.17	21.00	22.21	21.91	23.51	25.80
DK	1.70	0.34	1.87	2.16	2.29	2.26	2.42	2.66
EE	0.64	0.10	0.54	0.64	0.66	0.64	0.68	0.70
ES	9.20	0.58	9.71	11.07	11.82	11.89	12.82	13.69
EL	3.51	0.27	3.61	4.65	4.92	4.69	4.89	5.17
FI	2.09	0.42	2.20	2.54	2.68	2.65	2.84	3.12
FR	14.35	2.86	14.35	16.59	17.53	17.30	18.56	20.37
HR	1.39	0.13	1.11	1.34	1.43	1.39	1.47	1.56
HU	6.70	0.64	5.36	6.47	6.89	6.68	7.07	7.53
IE	3.06	0.61	3.21	3.71	3.92	3.87	4.15	4.56
IT	30.85	1.63	32.58	37.14	39.66	39.91	43.00	45.92
LV	0.21	0.02	0.17	0.21	0.21	0.21	0.22	0.23
LT	0.65	0.05	0.53	0.68	0.72	0.69	0.72	0.76
LU	0.43	0.02	0.36	0.41	0.43	0.43	0.46	0.50
MT	0.11	0.00	0.11	0.15	0.15	0.15	0.15	0.16
NL	1.54	0.31	1.69	1.95	2.06	2.04	2.19	2.40
PL	4.73	0.36	4.02	4.74	4.87	4.74	5.04	5.19
PT	1.92	0.08	2.03	2.31	2.47	2.48	2.68	2.86
RO	2.47	0.09	2.10	2.47	2.55	2.48	2.63	2.71
SE	2.48	0.49	2.54	2.94	3.11	3.07	3.29	3.61
SI	0.78	0.09	0.66	0.85	0.90	0.86	0.90	0.95
SK	1.47	0.29	1.25	1.44	1.52	1.50	1.61	1.77
EU-27	**120.05**	**14.91**	**120.19**	**139.61**	**148.09**	**146.52**	**156.89**	**168.99**

Source: Authors' own compilation

The COVID-19 pandemic took an unprecedented toll on the passenger transport sector and on tourism, with touristic-related activities reaching a standstill throughout most of 2020. The impact of the pandemic was also heavily felt on the tourism-dependent occasional bus and coach sector. Projections show that passenger activity fell by 88% in the EU-27 in 2020 when compared to 2019. The highest percentage decrease was observed in countries such as Cyprus (-95%) and Malta (-96%), possibly due to their remote location and heavily tourist-dependant market.

By 2025, the sub-sector is expected to recover to transport activity levels close to those in 2019 for the EU-27. Nonetheless, the market is not expected to reach pre-pandemic levels in some countries by 2025. This is especially the case in countries in Eastern Europe (e.g. Bulgaria, Czechia, Hungary, Latvia and Lithuania), which are expected to reach on average 80% of 2019 levels by this year.

The following table presents an overview of the growth rates for national occasional bus and coach activity for the 2019-2050 period.

Table 4.15: Growth rates of occasional bus and coach activity in 2019-2050

Growth rates of occasional bus and coach activity (Gpkm) over time							
	2019-2020	2019-2025	2025-2030	2030-2035	2035-2040	2040-2045	2045-2050
AT	-80%	10%	16%	6%	-1%	7%	-80%
BE	-88%	0%	9%	4%	-5%	3%	-88%
BG	-90%	-15%	18%	3%	-3%	6%	-90%
CZ	-80%	-23%	25%	10%	-1%	7%	-80%
CY	-95%	1%	29%	6%	-5%	4%	-95%
DE	-80%	10%	16%	6%	-1%	7%	-80%
DK	-80%	10%	16%	6%	-1%	7%	-80%
EE	-85%	-15%	18%	3%	-3%	6%	-85%
ES	-94%	6%	14%	7%	1%	8%	-94%
EL	-92%	3%	29%	6%	-5%	4%	-92%
FI	-80%	5%	16%	6%	-1%	7%	-80%
FR	-80%	0%	16%	6%	-1%	7%	-80%
HR	-90%	-20%	21%	6%	-3%	6%	-90%
HU	-90%	-20%	21%	6%	-3%	6%	-90%
IE	-80%	5%	16%	6%	-1%	7%	-80%
IT	-95%	6%	14%	7%	1%	8%	-95%
LV	-92%	-18%	18%	3%	-3%	6%	-92%
LT	-92%	-18%	29%	6%	-5%	4%	-92%
LU	-94%	-18%	16%	6%	-1%	7%	-94%
MT	-96%	2%	29%	6%	-5%	4%	-96%
NL	-80%	10%	16%	6%	-1%	7%	-80%
PL	-92%	-15%	18%	3%	-3%	6%	-92%
PT	-96%	6%	14%	7%	1%	8%	-96%
RO	-96%	-15%	18%	3%	-3%	6%	-96%

SE	-80%	3%	16%	6%	-1%	7%	-80%
SI	-89%	-15%	29%	6%	-5%	4%	-89%
SK	-80%	-15%	16%	6%	-1%	7%	-80%
EU-27	**-88%**	**0.12%**	**16%**	**6%**	**-1%**	**7%**	**8%**

Source: Authors' own compilation

Regarding the evolution of the number of passengers in the sub-sector, a similar reduction level was observed (i.e. -86% in the EU-27 for the 2019-2020 period). The number of passengers carried in the sub-sector is expected to reach close to pre-pandemic levels by 2025 as a result of the strong recovery foreseen for the tourism sector. Nonetheless, the share of the number of passengers compared to the overall bus and coach sector is expected to remain relatively stable over the period between 2025-2050, with shares ranging between 2.4% -2.6% in the period. Moreover, this share is expected to be lower than the pre-pandemic share, which may be linked to the slower growth of the occasional bus and coach sub-sector when compared to other sub-sectors in the road passenger sector (i.e. scheduled urban, suburban and long-distance services). This trend is illustrated in the table below.

Table 4.16: Projection of the number of passengers in occasional bus and coach transport for the EU-27 in 2019-2050

Evolution of the number of passengers in occasional bus and coach transport								
	2019	**2020**	**2025**	**2030**	**2035**	**2040**	**2045**	**2050**
AT	4,521	901	4,973	5,749	6,078	5,997	6,435	7,062
BE	3,511	1,016	3,511	3,822	3,989	3,776	3,882	4,051
BG	15,857	4,366	13,479	15,873	16,340	15,904	16,890	17,388
CZ	72,472	25,449	55,804	69,674	76,463	75,440	80,951	88,839
CY	6,851	1,624	6,919	8,920	9,420	8,996	9,380	9,906
DE	130,040	25,913	143,044	165,352	174,815	172,478	185,077	203,111
DK	152,322	30,353	167,554	193,684	204,769	202,031	216,789	237,913
EE	8,428	1,286	7,164	8,436	8,684	8,452	8,977	9,241
ES	51,682	3,255	54,576	62,217	66,442	66,855	72,037	76,929
EL	86,900	6,737	89,507	115,394	121,862	116,373	121,342	128,144
FI	14,655	2,920	15,387	17,787	18,805	18,554	19,909	21,849
FR	73,304	14,607	73,304	84,736	89,585	88,387	94,844	104,085
HR	23,949	1,714	19,159	23,121	24,616	23,868	25,265	26,899
HU	166,279	15,870	133,023	160,528	170,909	165,713	175,414	186,758
IE	5,604	1,117	5,884	6,802	7,191	7,095	7,613	8,355
IT	180,268	8,972	190,363	217,015	231,752	233,194	251,270	268,333
LV	735	56	603	710	730	711	755	777

LT	13,871	1,141	11,374	14,664	15,486	14,789	15,420	16,284
LU	2,317	132	1,900	2,196	2,322	2,291	2,458	2,698
MT	2,723	224	2,778	3,581	3,782	3,611	3,766	3,977
NL	36,231	7,220	39,854	46,069	48,706	48,055	51,565	56,590
PL	22,438	1,712	19,072	22,459	23,120	22,503	23,900	24,603
PT	21,883	1,054	23,109	26,344	28,133	28,308	30,502	32,574
RO	54,704	2,086	46,498	54,756	56,367	54,863	58,267	59,982
SE	7,331	1,461	7,519	8,692	9,189	9,066	9,728	10,676
SI	8,794	963	7,475	9,637	10,177	9,719	10,134	10,702
SK	15,130	3,015	12,860	14,866	15,717	15,506	16,639	18,260
EU-27	**1,182,801**	**165,164**	**1,156,695**	**1,363,082**	**1,445,449**	**1,422,534**	**1,519,211**	**1,635,988**

Source: Authors' own compilation

The table below presents the growth rates for the number of passengers in the occasional bus and coach sector in the EU-27 over the same period.

Table 4.17: Growth rates of occasional bus and coach passengers in 2019-2050

Growth rates of occasional bus and coach passengers over time							
	2019-2020	**2019-2025**	**2025-2030**	**2030-2035**	**2035-2040**	**2040-2045**	**2045-2050**
AT	-80%	10%	16%	6%	-1%	7%	10%
BE	-71%	0%	9%	4%	-5%	3%	4%
BG	-72%	-15%	18%	3%	-3%	6%	3%
CZ	-65%	-23%	25%	10%	-1%	7%	10%
CY	-76%	1%	29%	6%	-5%	4%	6%
DE	-80%	10%	16%	6%	-1%	7%	10%
DK	-80%	10%	16%	6%	-1%	7%	10%
EE	-85%	-15%	18%	3%	-3%	6%	3%
ES	-94%	6%	14%	7%	1%	8%	7%
EL	-92%	3%	29%	6%	-5%	4%	6%
FI	-80%	5%	16%	6%	-1%	7%	10%
FR	-80%	0%	16%	6%	-1%	7%	10%
HR	-93%	-20%	21%	6%	-3%	6%	6%
HU	-90%	-20%	21%	6%	-3%	6%	6%
IE	-80%	5%	16%	6%	-1%	7%	10%

IT	-95%	6%	14%	7%	1%	8%	7%
LV	-92%	-18%	18%	3%	-3%	6%	3%
LT	-92%	-18%	29%	6%	-5%	4%	6%
LU	-94%	-18%	16%	6%	-1%	7%	10%
MT	-92%	2%	29%	6%	-5%	4%	6%
NL	-80%	10%	16%	6%	-1%	7%	10%
PL	-92%	-15%	18%	3%	-3%	6%	3%
PT	-95%	6%	14%	7%	1%	8%	7%
RO	-96%	-15%	18%	3%	-3%	6%	3%
SE	-80%	3%	16%	6%	-1%	7%	10%
SI	-89%	-15%	29%	6%	-5%	4%	6%
SK	-80%	-15%	16%	6%	-1%	7%	10%
EU-27	**-86%**	**-2%**	**18%**	**6%**	**-2%**	**7%**	**8%**

Source: Authors' own compilation

Market share Projections

As previously pointed out, occasional bus and coach passenger activity (in pax-km) accounted for 25% of overall bus and coach activity in the EU-27 in 2019. In 2020, this share decreased to 3.1% as a result of the COVID-19 pandemic. The sub-sector is expected to reach 4.8% market share by 2025, experiencing a moderate increase until 2050. The table below presents the evolution of market share of occasional bus and coach activity (in pkm) over the 2019-2050 period.

Table 4.18: Evolution of the share of occasional bus and coach activity in relation to total bus and coach activity in 2019-2050

Share of occasional bus and coach activity in relation to total bus and coach activity (in terms of pkm) over time								
	2019	**2020**	**2025**	**2030**	**2035**	**2040**	**2045**	**2050**
AT	22.6%	7.2%	27.3%	30.5%	30.4%	28.9%	30.3%	31.7%
BE	23.6%	4.8%	24.0%	24.0%	24.1%	24.1%	24.1%	24.1%
BG	13.8%	1.7%	11.2%	12.2%	12.1%	12.1%	12.5%	12.3%
CZ	31.1%	8.0%	22.8%	22.8%	23.7%	23.7%	23.7%	23.7%
CY	18.3%	1.3%	20.3%	23.3%	23.4%	24.1%	24.4%	24.3%
DE	26.9%	6.4%	28.3%	28.3%	28.5%	29.2%	30.3%	31.4%
DK	24.6%	4.9%	23.8%	24.0%	24.3%	24.8%	25.5%	27.1%
EE	20.6%	3.7%	17.0%	16.2%	14.7%	14.3%	14.3%	13.2%
ES	27.7%	3.3%	22.5%	22.5%	22.2%	22.2%	22.2%	22.2%

EL	17.2%	1.7%	17.2%	19.3%	19.0%	17.4%	16.7%	17.3%
FI	26.5%	6.0%	26.9%	26.9%	26.6%	26.8%	28.2%	30.3%
FR	24.1%	10.5%	28.0%	28.8%	29.7%	31.1%	32.4%	34.5%
HR	34.6%	4.6%	28.4%	29.9%	30.3%	30.7%	30.5%	29.9%
HU	35.7%	4.7%	29.8%	29.8%	30.0%	30.0%	30.0%	30.0%
IE	28.7%	11.9%	32.7%	32.4%	31.4%	29.9%	30.3%	30.8%
IT	30.0%	2.9%	35.2%	36.2%	37.0%	38.0%	39.7%	41.6%
LV	9.7%	0.9%	8.0%	8.2%	8.0%	7.8%	7.9%	7.9%
LT	22.3%	2.3%	18.5%	19.7%	21.6%	24.0%	27.5%	31.4%
LU	35.5%	3.8%	31.9%	28.6%	26.9%	27.8%	28.6%	29.7%
MT	19.8%	1.1%	19.1%	19.7%	19.4%	19.0%	19.4%	20.1%
NL	29.1%	8.2%	35.3%	36.3%	34.2%	33.8%	34.0%	34.6%
PL	13.1%	1.4%	11.1%	11.1%	10.8%	10.8%	10.8%	10.8%
PT	24.2%	2.1%	27.6%	27.1%	28.6%	31.0%	32.8%	34.0%
RO	13.2%	0.9%	11.4%	11.3%	11.4%	11.8%	12.5%	12.3%
SE	24.6%	5.3%	24.9%	25.0%	25.1%	25.6%	26.0%	27.6%
SI	20.7%	3.2%	16.7%	16.3%	16.3%	15.1%	14.8%	14.8%
SK	23.7%	6.5%	20.4%	19.9%	19.8%	19.8%	19.8%	19.9%
EU-27	**25.0%**	**4.8%**	**25.4%**	**25.8%**	**26.0%**	**26.3%**	**27.0%**	**27.8%**

Source: Authors' own compilation

In turn, the share of passengers from the occasional bus and coach sub-sector in terms of the number of passengers from the overall bus and coach sector represented 3.3% in 2019 in the EU-27. As a result of the effects of the pandemic, this share plummeted to 0.7% in 2020. Nonetheless, the sub-sector's representativeness is expected to reach 3.2% in 2025, driven by the partial recovery of the sector. This share is expected to remain relatively stable over the years, to around 3.4% in 2030 and to slightly go up to 3.6% in 2050, as presented in the table below.

Table 4.19: Evolution of the share of occasional bus and coach passengers in relation to total bus and coach passengers in 2019-2050

Share of occasional bus and coach passengers in relation to total bus and coach passengers over time								
	2019	**2020**	**2025**	**2030**	**2035**	**2040**	**2045**	**2050**
AT	2.5%	0.8%	3.1%	3.4%	3.4%	3.2%	3.4%	3.6%
BE	2.4%	1.1%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%
BG	3.6%	1.2%	2.9%	3.1%	3.1%	3.1%	3.2%	3.2%
CZ	5.9%	2.6%	4.3%	4.3%	4.5%	4.5%	4.5%	4.5%

CY	4.4%	1.7%	4.9%	5.6%	5.6%	5.8%	5.9%	5.8%
DE	2.3%	0.6%	2.5%	2.5%	2.5%	2.5%	2.6%	2.7%
DK	2.2%	0.4%	2.1%	2.1%	2.2%	2.2%	2.3%	2.4%
EE	5.2%	0.9%	4.3%	4.1%	3.7%	3.6%	3.6%	3.3%
ES	3.8%	0.5%	3.1%	3.1%	3.1%	3.1%	3.1%	3.1%
EL	4.1%	0.4%	4.1%	4.6%	4.6%	4.2%	4.0%	4.2%
FI	4.2%	1.0%	4.3%	4.3%	4.3%	4.3%	4.5%	4.8%
FR	2.2%	0.9%	2.5%	2.6%	2.7%	2.8%	2.9%	3.1%
HR	10.3%	1.0%	8.5%	8.9%	9.0%	9.1%	9.1%	8.9%
HU	10.5%	1.4%	8.7%	8.7%	8.8%	8.8%	8.8%	8.8%
IE	2.5%	1.0%	2.8%	2.8%	2.7%	2.6%	2.6%	2.6%
IT	4.8%	0.4%	5.6%	5.8%	5.9%	6.1%	6.4%	6.7%
LV	0.6%	0.0%	0.5%	0.5%	0.5%	0.4%	0.5%	0.4%
LT	4.8%	0.5%	4.0%	4.2%	4.6%	5.2%	5.9%	6.7%
LU	3.0%	0.3%	2.7%	2.5%	2.3%	2.4%	2.5%	2.5%
MT	4.7%	0.6%	4.6%	4.7%	4.6%	4.6%	4.6%	4.8%
NL	8.8%	2.5%	10.7%	11.0%	10.3%	10.2%	10.3%	10.5%
PL	0.5%	0.1%	0.5%	0.5%	0.4%	0.4%	0.4%	0.4%
PT	3.9%	0.4%	4.4%	4.3%	4.6%	5.0%	5.2%	5.4%
RO	4.2%	0.3%	3.6%	3.6%	3.6%	3.7%	3.9%	3.9%
SE	2.1%	0.5%	2.1%	2.2%	2.2%	2.2%	2.2%	2.4%
SI	5.2%	0.8%	4.2%	4.1%	4.1%	3.8%	3.7%	3.7%
SK	3.8%	1.0%	3.3%	3.2%	3.2%	3.2%	3.2%	3.2%
EU-27	**3.31%**	**0.71%**	**3.28%**	**3.37%**	**3.40%**	**3.42%**	**3.50%**	**3.61%**

Source: Authors' own compilation

4.7 Projections of turnover and employment

Aiming to get a broader picture of the occasional bus and coach sub-sector, a linear trend estimation was carried out to estimate the number of employees and turnover in the sub-sector. Linear trend estimation is a simple statistical technique to extrapolate upon historical data, being typically used in traffic demand models to model traffic volumes from a time series of traffic count data[74]. Linear trend models have been widely used by American State departments of transportation for project level forecasting purposes[75].

The main source for this analysis was the data from Eurostat, regarding other passenger land transport n.e.c.[76]. This classification includes scheduled long-distance bus services, charters, excursions and other occasional coach services, as well as airport shuttles, operation of school buses and for employees and passenger transport by man – or animal-drawn vehicles. The methodology adopted aimed to estimate the share of occasional services within this Eurostat classification for the number of employees and turnover.

The only countries with historical data available on the occasional bus and coach sub-sector for both variables were Spain[77] and the Netherlands[78]. In turn, only CONFEBUS estimated the number of employees and turnover for the occasional sector in Spain in 2012[79] and 2018[80]. The team then attempted to establish the relationship between the Eurostat data and the historical data available. According to our calculations, the share of employees on occasional services within other passenger land transport n.e.c. is of 65% in Spain and 33.8% in the Netherlands. A share of 22% was also found for turnover in the occasional sector in the year of 2018 for Spain.

Regarding the number of occasional bus and coach companies, these were based on the available data obtained for the Netherlands, as presented in Table 7.6. With this, occasional bus and coach companies in the Netherlands represent 24% of the total number of companies for other passenger land transport n.e.c.

Based on these shares, the team assumed a similar share of occasional bus and coach services for other land transport n.e.c.. This enabled to estimate the number of employees and the turnover, as well as the number of companies for other countries taking into account the correlations previously established.

Considering the projections of the number of passengers in the occasional bus and coach sub-sector, the turnover was assumed to grow in line with the number of passengers until 2050. By considering this growth rate, we were able to estimate the evolution of turnover until 2050. The number of companies in the occasional bus and coach sector is estimated at 6,032 in 2019 and is projected to remain stable over time.

[74] Ortuzar, Juan de Dios; Willumsen, Luis G. Modelling Transport (2011) – Fourth edition. p. cm
[75] Available at:
https://tfresource.org/topics/Trend_models_in_project_level_traffic_forecasting.html
[76] Eurostat, 2021, Annual detailed enterprise statistics for services - Eurostat - Data Explorer (europa.eu)
[77] The data available for Spain included the number of employees and turnover for the occasional bus and coach sector in 2013 and 2018, according to CONFEBUS sources (CONFEBUS, El transporte en autocar, una solución sostenible para la movilidad de las personas, 2014; CONFEBUS, El bus, una visión de presente y futuro: Liderando el cambio de rumbo para la movilidad sostenible de las personas, 2019)
[78] Estimated based on the reports on Key Figures of Dutch Coach Transport in 2018, 2019 and 2020 (Kerncijfers van het Nederlandse touringcarvervoer, Panteia)
[79] CONFEBUS, El transporte en autocar, una solución sostenible para la movilidad de las personas, 2014
[80] CONFEBUS, El bus, una visión de presente y futuro: Liderando el cambio de rumbo para la movilidad sostenible de las personas, 2019

Extrapolating this share for the sample of countries considered in this study, the number of employees and the turnover for 2019 would be the following.

Table 4.20: Estimation of number of employees and turnover in the occasional bus and coach sector in 2019

Countries	Number of employees		Turnover (million euros, expressed in 2021 prices)	
	Other passenger land transport n.e.c (Eurostat)	Estimation of Employees for the Occasional sector	Other passenger land transport n.e.c (Eurostat)	Estimation of turnover for the Occasional sector (million euros)
AT	16,524	5,592	2,279.4	332.1
BE	7,129	2,852	682.3	92.4
BG	9,510	3,804	243.3	49.8
CZ	826	3,889	39.3	105.2
CY	9,486	541	624.3	10.0
DE	76,814	25,996	4,871.7	657.3
DK	6,287	2,515	688.8	87.0
EE	2,354	1,169	144.6	21.7
EL	13,277	4,493	803.1	153.1
ES	56,579	37,050	4,567.9	1,004.9
FI	6,112	2,017	548.7	133.8
FR	121,629	41,162	13,794.9	1,711.0
HR	7,656	3,445	353.1	83.9
HU	40,407	14,143	1,639.9	247.1
IE	8,245	2,790	941.6	133.4
IT	41,561	10,390	4,033.4	556.4
LT	6,121	541	112.2	1.2
LU	3,982	2,142	275.4	15.4
LV	1,600	1,394	38.1	48.3
MT	1,101	385	73.6	20.1
NL	25,230	8,831	2,458.8	312.1
PL	34,894	10,468	1,832.2	56.4
PT	12,120	4,000	765.3	144.8
RO	24,588	7,376	838.6	140.2
SE	6,624	2,186	625.5	76.3
SI	3,551	1,172	225.7	47.5
SK	6,822	2,251	223.9	34.2
EU-27	**551,029**	**202,595**	**43,725.8**	**6,275**

Source: Authors' own compilation based on Eurostat data on other passenger land transport n.e.c.
Note: Highlighted cells indicate extrapolated data

Considering these estimations, the country with highest number employees in the sub-sector in our sample is France, followed by Germany. On the other hand, Malta presents the lowest number of employees in the sub-sector. In terms of turnover, the sample follows the same trend of employees, with Germany and France showing the highest shares and Lithuania the lowest.

The projected turnover in the sub-sector until 2050 is provided in the table below.

Table 4.21: Evolution of turnover in occasional bus and coach transport over the years (EUR million, expressed in 2021 prices)

	Estimation of Turnover in the occasional bus and coach sector							
Countries	**2019**	**2020**	**2025**	**2030**	**2035**	**2040**	**2045**	**2050**
AT	332.1	66.2	365.3	422.3	446.5	440.5	472.7	518.7
BE	92.4	26.7	92.4	100.6	104.9	99.3	102.1	106.6
BG	49.8	13.7	42.3	49.8	51.3	49.9	53.0	54.6
CZ	105.2	36.9	81.0	101.1	111.0	109.5	117.5	128.9
CY	10.0	2.4	10.1	13.0	13.7	13.1	13.6	14.4
DE	657.3	131.0	723.0	835.8	883.6	871.8	935.5	1,026.6
DK	87.0	17.3	95.7	110.6	117.0	115.4	123.8	135.9
EE	21.7	3.3	18.4	21.7	22.3	21.7	23.1	23.8
ES	153.1	9.6	161.7	184.3	196.8	198.0	213.4	227.9
EL	1,004.9	77.9	1,035.1	1,334.5	1,409.3	1,345.8	1,403.2	1,481.9
FI	133.8	26.7	140.5	162.4	171.7	169.4	181.7	199.4
FR	1,711.0	340.9	1,711.0	1,977.8	2,091.0	2,063.0	2,213.7	2,429.5
HR	83.9	6.0	67.2	81.0	86.3	83.7	88.6	94.3
HU	247.1	23.6	197.6	238.5	253.9	246.2	260.6	277.5
IE	133.4	26.6	140.0	161.9	171.1	168.8	181.2	198.8
IT	556.4	27.7	587.6	669.8	715.3	719.8	775.6	828.3
LV	1.2	0.1	1.0	1.2	1.2	1.2	1.2	1.3
LT	15.4	1.3	12.7	16.3	17.2	16.5	17.2	18.1
LU	48.3	2.7	39.6	45.8	48.4	47.7	51.2	56.2
MT	20.1	1.7	20.5	26.4	27.9	26.6	27.8	29.3
NL	312.1	62.2	343.3	396.8	419.5	413.9	444.1	487.4
PL	56.4	4.3	48.0	56.5	58.1	56.6	60.1	61.9
PT	144.8	7.0	152.9	174.3	186.1	187.3	201.8	215.5
RO	140.2	5.3	119.2	140.4	144.5	140.6	149.4	153.8
SE	76.3	15.2	78.2	90.4	95.6	94.3	101.2	111.1
SI	47.5	5.2	40.4	52.1	55.0	52.5	54.8	57.8
SK	34.2	6.8	29.1	33.6	35.5	35.1	37.6	41.3
EU27	**6,275**	**948**	**6,353**	**7,499**	**7,935**	**7,788**	**8,306**	**8,981**

Source: Authors' own compilation based on historical data from Eurostat and on projections on passenger activity

These estimations clearly highlight the impacts of COVID-19. According to these projections, the turnover in the sub-sector is expected to recover to the levels of 2019 before 2025 in the majority of the countries, except for some countries in Eastern Europe. When comparing the values of 2019 and 2050, both variables are expected to increase in all countries.

Besides these projections, we have also estimated the number of companies in the occasional bus and coach sector, taking into account the figures from Eurostat on the number of enterprises for other passenger land transport n.e.c. in 2019.

The number of companies in the occasional bus and coach sector is estimated at 6,032 in 2019 and is projected to remain stable over time. The number of companies in the sub-sector in the 2019 is presented in the table below.

Table 4.22: Estimation of the number of companies in the occasional bus and coach sector in 2019

Number of companies in the occasional bus and coach sector	
	2019
AT	73
BE	610
BG	153
CZ	61
CY	286
DE	237
DK	29
EE	55
ES	119
EL	480
FI	89
FR	319
HR	320
HU	691
IE	78
IT	454
LV	100
LT	32
LU	26
MT	45
NL	302
PL	180
PT	161
RO	577
SE	48

SI	84
SK	425
EU-27	**6,032**

Source: Authors' own compilation based on projections carried out by the team

5. Results of the targeted interviews

This chapter focuses on the targeted interviews. It starts with an overview of the approach, followed by the findings, structured in terms of experiences of the current rules, followed by views on potential changes. In each case, any general findings are followed by an analysis of the feedback from the main groups of stakeholders. Since the dynamics vary on the two major areas of interest, namely breaks and rest times, these are also presented separately. The chapter then ends with some brief initial conclusions.

5.1 Overview of the approach followed

To gather detailed insight on experiences of the rules and views on potential changes, the study includes targeted interviews at (1) the EU and international levels and (2) in a sample of five Member States. These aim to cover a diverse selection of interests in terms of drivers, bus and coach operators, business associations, trade unions, government enforcement representatives and relevant academic experts.[81] While around 48 interviews were initially foreseen for the targeted interviews, 38 were carried out. This was due to the difficulty to reach certain stakeholders despite extensive efforts. Additional interviews were also conducted in the frame of the thematic case studies.

5.1.1 Approach to organising the interviews

This interview process started with exploratory interviews at the EU level, for which contacts were identified with the help of DG MOVE and the study team's own network. These aimed both to deepen the team's grasp of the issues at stake and to identify relevant contacts in the fieldwork Member States. The latter function was especially important, because the fragmented nature of the sector made it difficult to find and get in touch with the most relevant interlocutors. For instance, drivers are sometimes grouped in different trade unions than the ones that organise other transport workers, and not all coach operators are part of the same business association with a single Member State.

The approach also took into account the fact that stakeholders became progressively harder to reach as one proceeded through the value chain, with drivers being the toughest to get a hold of. For this reason, interviewees were asked to provide details for a contact at the next level closer to the ground. For instance, we would ask the international level road transport business organisation for a business association contact in a particular Member State, who would then direct us to some companies willing to participate. The same was done on the trade union side. In order to capture the diversity of views from drivers, we sought contact details both from trade union representatives and companies. However, trade unions have generally been more willing and able to provide contact details for drivers, a potential sampling bias that has been taken into account in the analysis.

The interviews at EU and international levels started in June 2021, while the Member State interviews were launched in October 2021, with a view to obtaining good representation among all the different target groups. This took some time, in part because the specialised nature of the rules made it especially important not just to reach the right organisations, but the right individuals within those organisations. In a similar vein, identifying and arranging interviews with drivers was difficult, because this group is not accustomed to taking part in consultation exercises. This led to the sample presented in the table below, which does not count around 10 interviews conducted for the thematic case studies, and

[81] Since driver fatigue is more than a subjective matter, the sample included in particular an interview with an academic expert on fatigue whose views are referred to where relevant as part of the analysis.

further interactions that took place with numerous stakeholders with the purpose of clarification or to obtain additional information.

At the EU level, there are several business associations related to the occasional transport sector, while a single trade union representative organisation covers the entire transport sector. A similar dynamic can be observed in the Member States. This causes the number of interviews at EU level to tilt towards business representatives, a fact that has been weighed appropriately in the analysis.

Table 5.1: Breakdown of the targeted interviews

	Business association	Bus & coach operator	Trade union	Authorities	Drivers	Experts and others	Total
EU/int'l	5	-	1	2	N/A	1	**9**
Bulgaria	2	2	-	-	2	-	**6**
Germany	1	2	-	1	-	-	**4**
Netherlands	1	1	1	1	1	-	**5**
Spain	1	1	2	-	1	-	**5**
Sweden	2	1	1	2	2	1	**9**
Total	**12**	**7**	**5**	**6**	**6**	**2**	**38**

The interviews have been conducted by following a **detailed interview guide**, which was tailored for each type of stakeholder. Importantly, the interview guide was adjusted after testing with a small number of stakeholders, mainly to improve the clarity and flow of the questions, and to keep the length manageable. The interview guide contained three sections, on (1) respondent profiles, (2) views on the current rules, and how they affect working conditions, road safety, fair and even competition and the ability to deliver quality services to the customer, followed by detailed questions on (3) views on the policy measures that could be implemented in the future, including follow up questions on which amendments would be most acceptable or desired, as well as for compensatory measures where relevant.

5.2 Overarching views and experiences of the current rules

The rest of this chapter presents the findings of the interviews. This starts with stakeholders' overarching views and experiences on the current rules, then examines more specific problems and the extent to which stakeholders feel the potential policy changes would be solved in terms of break times, the 12-day derogation and rest times. The chapter finishes with some conclusions in terms of the potential for consensus around the different proposed changes.

There is also an overarching pattern that is worth bearing in mind when reading the analysis. Namely, while drivers and authorities displayed some diversity of views, the feedback from trade unions and operators and their representatives was highly polarised: trade unions were overall in favour of maintaining the rules, and if changes were proposed, they were to make the rules stricter, for example by removing completely the 12-day derogation and possibilities for reduced daily rests. For their part, employers generally found the existing rules to be too rigid and ill-suited to the sector and supported the policy proposals under review, albeit to different degrees.

Bus and coach operators and their representatives

All employers reported that the current rules obstruct their ability to schedule services efficiently, particularly in the high season. The general view is that the rules are better suited to sectors where distances to be covered are of primary concern, which is not always the case in the occasional sector. Instead, occasional services vary widely. For example, they may include longer trips as part of one-day excursions or on the first and last day of a multi-day trip, but while many working days involve only short and sporadic driving. They thought in general that the rules did not need major overhauling, but rather wished for minor adaptations to make scheduling easier and to provide customers with better experiences at lower costs.

While overall views were consistent, individual interviewees also showed a variety of specific preoccupations about which aspects of the rules were the most problematic. Indeed, these often related to the characteristics of the market in specific Member States and the size of the company involved. To illustrate this, the main concerns with the current rules for the seven operators interviewed are summarised in the table below, along with an overview of their company profiles.

Table 5.2: Summary of interviewed occasional coach service providers

Country	Size	% of services occasional	Company profile	Main concern
Bulgaria	10-49	70%	Mainly international trips. Interviewed CEO is also a driver.	The existing break rules are too rigid, which is hard to fit into specific trip itineraries.
Bulgaria	1-9	100%	Does both domestic and international trips. Interviewed CEO is also driver.	Difficulty to deal with unforeseen events while complying with the rules.
Germany	50-249	50%	Company split in two parts, one for occasional services and one for regular. Within occasional, the services provided are very diverse.	Inability to use the 12-day derogation during long domestic services.
Germany	10-49	100%	Medium-sized operator that covers all of Europe.	Overly rigid rules for the 12-day derogation, particularly the single-service condition
Netherlands	10-49	100%	Provides a wide variety of occasional services both nationally and internationally	Rest rules that make it difficult to satisfy demand during high season peaks
Spain	250+	20%	Large company doing both regular and occasional services; 90% of the occasional services are provided during peak season in the summer.	Inability to use the 12-day derogation during long domestic services.
Sweden	250+	5%	Very large company, primarily running scheduled services, but doing some occasional services during the summer peak season.	Difficulties adjusting to different rules depending on the type of service, e.g. over or under the 50k threshold

Trade unions and drivers

In contrast to operators, **all trade unions and most drivers were favourable towards the current rules**. Trade unions in particular were very concerned that the rules were not sufficiently enforced to prevent fatigue and ensure good working conditions and were therefore wary of any changes that could potentially put further pressure on drivers. Indeed, rather than providing detail on why the current rules are appropriate, they focused on problems with compliance, which they considered to have two causes:

- Low risks for companies of getting caught for infringements, which was attributed to the complexity of monitoring compliance and limited resources for enforcement among authorities;

- Driver shortages that encourage operators to schedule services according to the upper limits of the rules, which causes difficulties to comply with the rules in case of even small unforeseen issues.

All trade unions worried that any additional derogations or sector-specific changes would further complicate efforts to enforce the rules, thereby exacerbating the existing problems. Elaborating further, interviewees including drivers explained that much of enforcement today is done by checking report cards. This was described as an administrative burden that does not provide real evidence of driver behaviour. For example, the card does not in and of itself prove that breaks were actually taken as reported. Most drivers also mentioned being fined significant amounts (EUR 1,300 in one example, more than half a month's salary) for filling in their attestation incorrectly, which contributed to stress.

National authorities and authorities

All interviewed authorities have also been in favour of maintaining the current rules. Their main concern, regardless of the Member State, was a drastic reduction in the number of staff for roadside checks, mainly due to resource constraints. Indeed, so far only the authorities in Germany remarked that they sometimes do road stop checks at common coach rest stops to control compliance with the break time rules, while a representative of an international coordinator of traffic police departments confirmed most Member States lack the capacity for such action.

Resource constraints have been exacerbated by the increased sophistication of tachograph fraud. Such fraud was described as rare in the occasional sector, mainly because tachographs are ill-suited to keeping track of these services (e.g. because they do not measure whether drivers are doing other tasks during break times). But tachograph fraud is prevalent in the much larger freight transport sector, which has required an increase in specialised officers and equipment, thus sapping resources for enforcement in occasional services.

Scientific opinion on fatigue

Given that the causes and effects of fatigue have also been studied scientifically, an academic expert was also interviewed. The expert was selected due to his involvement in a previous accident commission to study the effect of fatigue and the role it played in a Swedish bus crash. He has worked in several EU projects on fatigue in various transport subsectors, such as the maritime sector and freight transport sector, and has developed models for airline companies to measure fatigue among pilots.

Purely from the perspective of fatigue and related risks (that is to say, regardless of other concerns about working conditions), he provided additional relevant input on the state of

the art. According to research,[82] there are three elements that determine the level of fatigue a person experiences, all three equally important. They are *number of hours awake, number of hours of sleep,* and *time of day*. This has several implications.

- Total driving time is not considered the main factor of fatigue when driving. Fatigue increases the longer a person is awake, but **the act of driving has only marginal impacts on fatigue** as such. **The number of hours of sleep and hours awake are however incredibly important.**

- **Reducing numbers of available for daily sleeping hours is very dangerous**. There is not an exact threshold when the danger starts, it is rather that schedules that reduce how much sleep a driver should be avoided.

- **Working at night is a high-risk situation**. If driving with two drivers it is important that the second driver uses their time to sleep while the other drives. Currently, some countries require the second driver to sit next to the first driver to "entertain" them during the drive. This is considered dangerous because it does not reduce the first driver's fatigue, while preventing the second driver from sleeping.

- **In contrast, weekly rests may be important for working conditions, but they do not affect fatigue as such**. One day is necessary to have a break, but longer rest-periods of two or three days has shown not to have any real impact.

5.3 Potential changes to the rules

Unsurprisingly, stakeholders' views on the current rules shaped their preferences about what (if anything) should be changed. In this section, we focus on the policy options, first in terms of the measures to change rules on breaks, then the 12-day derogation and finally the proposed changes to the daily and weekly rest periods. Since enthusiasm for the potential changes often depended on perceptions of whether and to what extent these would solve problems with the existing rules, examples are provided in this regard. The findings are structured in terms of stakeholder group, namely operators and their representatives, trade unions and authorities. **Since the views of drivers varied, they are presented throughout the text where relevant.**

Before presenting the findings in detail, the table below presents an overview of the proposed policy changes and typical arguments for and against accepting them. Unsurprisingly, the main arguments for a given path of changes should be accepted were provided by operators and their representatives, while trade unions were behind most of the arguments against the changes.

[82] The interviewed expert's most relevant research can be accessed here:
Åkerstedt, et al (2011) *Chapter 11 - Sleep loss and accidents—Work hours, life style, and sleep pathology* in Human Sleep and Cognition Part II: Clinical and Applied Research, Edited by Hans P.A. Van Dongen, Gerard A. Kerkhof. Available at:
https://www.sciencedirect.com/science/article/abs/pii/B9780444538178000116?via%3Dihub

Table 5.3: Policy proposals and arguments

Policy proposal	Short description	Typical arguments for accepting the proposal Supporters: Most businesses, business associations and self-employed drivers	Typical arguments against the proposal Supporters: Most trade unions, employed drivers, enforcement authorities
Break times			
Free distribution of breaks in chunks of 15 minutes	During the first 4.5 hours of driving there is the possibility to have three 15-minute breaks, one 15-minute breaks and a 30-minute break in any order, or finally one continuous 45-minute break.	The current rules sometimes force drivers to take breaks when they are not necessary, leading to frustrations within the touring groups.	A break must be longer to give the driver enough time to recuperate, preferably taken at the peak of the driving time.
Completely flexible distribution of breaks	During the first 4.5 hours of driving, breaks can be freely distributed as long as they are in total 45 minutes at least.	Same as above, except this proposal gives more freedom to organise breaks, which makes it even easier to arrange around services.	In addition to the above, the risks of abuse are perceived as high, with breaks likely to be used for other work tasks, such as picking up passengers.
12-day rule			
Domestic use of the 12-day rule	For international travel, the operators have the option to make trips lasting up to 12-days without a weekly rest, on the condition that only one group is driven, and that extra rest is provided. This proposal would allow this for domestic travel.	This would eliminate the unfair competition between companies providing similar services and open the derogation to domestic tourist trips in large countries, which are common. The derogation would also allow drivers to wait with a weekly rest until they are back with their families.	The derogation involves too many consecutive days of work and was only accepted on the condition that it would be exceptional. Indeed, some feel it should be removed entirely.
Removal of the single service condition when using the 12-day rule	This would allow for a driver to drive more than one tour group while using the 12-day derogation. E.g., a driver could first drive one tour group for 6 days, and then pick up another tour group and do a 6-day trip, within the other conditions of the 12-day rule.	Since the number of groups being driven is not related to safety, this would allow operators to book many more groups of tourists during the peak season.	Because itineraries during a single service typically do not involve long drives each day, allowing multiple groups could risk leading to abuse of the rules and unsafe driving. It would also broaden a derogation that was intended as exceptional.

Removal of extra compensatory rest after the 12-day rule	To use the 12-day derogation, the driver needs to first have a rest of 45-hours before the start of the trip, and a rest afterwards of either 69-hours or 90-hours.	This would allow bus and coach operators to schedule more tourist groups during the peak season. Drivers are seasonal workers, and therefore often want to work as much as possible in the peak season.	It is seen as unfair to not provide extra compensation for drivers working 12-days in a row, which this change would remove, potentially worsening working conditions.
Rest times			
One hour postponement of the daily resting period if driving time is less than 7 hours, i.e., 16-hour duty cycle	On the condition that the trip lasts more than 8 days and the total daily driving time is less than 7 hours, the driver can be on active duty for up to 16 hours, instead of the usual 15 hours.	This would allow some driving in the morning, and some in the evening. If the duty cycle starts early, but the driver then has nothing to do during the day, it is illogical and impractical that they are not able to work an evening drive.	The current rules already allow 15-hour workdays, which is longer than most occupations. Extending this would undermine working conditions and be dangerous, as it is tiring to be awake for such a long time.
Two hours postponement of daily resting period if driving time is less than 5 hours, i.e., 17-hour duty cycle	On the condition that the trip lasts more than 8 days and the total driving time is less than 5 hours, the driver can be in active duty for up to 17 hours, instead of the usual 15 hours.	Similar to the above.	Similar to the above.
Flexible distribution of weekly rests over a 10-week reference period	A regular weekly rest period is 45 hours, and a reduced rest period is 24 hours. This would allow the rest periods to be distributed so that more 24-hour rest periods could be taken in a row, which would then be compensated later.	This would allow more intensive working during busy peak seasons, which could compensated once the season ends.	The driver must often spend extra time preparing the coach between rides. This would mean that there would be almost no time off for relaxation and recuperation.

5.3.1 Potential changes to the rules on breaks during a trip

Currently, the break times of 45 minutes per 4.5h of driving can be taken as one long break of 45 minutes, or be split into a 15-minute break first and a 30-minute break second within a period of 4.5h of driving time. If a driver takes an initial 30-minute break, only 15 minutes would be counted, and they would still need to take 30 minute of break time during the period. Two potential changes to the rules are being tested. The first of these is to allow the break to be split into any chunks of at least 15 minutes, meaning that any of the following would be allowed:

- One 45-minute break
- A first break of 15 minutes, and a second break of 30 minutes
- A first break of 30 minutes, and a second break of 15 minutes
- Three separate breaks of 15 minutes each

The second proposal is to allow free distribution of the 45 minutes across the first 4.5 hours of driving time, meaning any division from a single break of 45 minutes to 45 breaks of one minute each would in principle be allowed.

Bus and coach operators and their representatives

All business associations and individual operators interviewed found the current rules on break times too rigid for providing customers with a seamless and efficient experience. This is because, unlike long-distance transport, occasional transport does not typically maximise kilometres travelled in a certain time, but rather involves frequent, irregular stops, e.g. to allow customers to visit certain sites during a tour. This generates 'natural' break moments which may or may not fit in the framework of the rules. For instance, if a group is driving to various locations around a city as part of their tour, they might already stop in several places, where there would be breaks, but not long enough to avoid another break of 30 minutes within the 4.5 hours of driving time.

According to most operators interviewed, the need to schedule additional breaks strikes customers as arbitrary and annoying, undermining their satisfaction with the service. If for some reason the group would stop for 45 minutes the first time, often due to a client request, the same customers find it strange that the driver would have to legally take at least 30 minutes of break shortly thereafter. Being able to split the breaks into chunks of 15 minutes would make for smoother journeys and less disruption, as would the possibility of free allocation of break time. The companies mention that this is not necessarily a matter of increasing revenue, as their bottom line is not really affected by this issue, but rather that it can be frustrating for both drivers and passengers to stop for (seemingly) arbitrary and unnecessary breaks. Essentially, any possibility to make the scheduling duties easier would be widely appreciated, meaning that either of the two proposed changes would be supported.

Trade unions

Every trade union interviewed, as well as drivers, thought that the current rules on break time should remain, but that additional measures to enforce the rules should be taken. The main issue for trade unions and drivers is the possibility that drivers would not get at least one lengthy break if they could be divided into several shorter breaks. Indeed, **15-minute breaks were not seen as enough time for the driver to enjoy the break and get some rest**. Moreover, due to the nature of working with passengers, as opposed to goods, several minutes are inevitably spent every break (even if not formally allowed) on unloading the coach, lifting baggage, and answering questions that the passengers had saved until the break time. One trade union mentioned the systematic abuse of break times, and felt that splitting the 45-minute break into three chunks of 15 minutes would be used for instance to stop and pick up passengers in different locations at the start of a trip or make sightseeing stops in which the driver would act as a tour guide, making the situation even worse and compromising road safety and working conditions.

Relatedly, trade unions also felt that **shorter, more variable breaks would be even more difficult to enforce**. Breaks are already difficult for enforcement agencies to verify, and the drivers report that the 15-minute break is expected to take 15 minutes. If tasks before and after a break take 10 minutes, then the time not driving would in practice need to be 25 minutes. The half-hour break after 4.5 hours allows the driver a bit of time to recuperate, be alert enough to continue working. This justifies the 15 + 30 minutes arrangement specifically, since it allows the longer break before the next period of long driving. As they experience that many 15-minute breaks are spent with performing non-driving tasks, the longer break needs to be positioned in such a way that the driver can eat something and have some coffee ahead of taking on the next section of the journey. In principle, it could be accepted that the first break would be longer, but it is of more value to the driver if the second break is 30 minutes.

National authorities and enforcement agencies

As mentioned, even the current rules are reportedly hard to enforce. All interviewed authorities felt that allowing shorter breaks, as either proposed change would do, would exacerbate the problem. One national enforcement agency referred to the past policy where it was possible to break up the breaks into three periods of 15 minutes, and that non-compliance in general was higher during this time.

To give more detail, 15 minutes of break time on the tachograph is sufficient to prove that a break has been taken but does not show what this break has been spent on. This makes enforcement in practice very difficult to do. Since this is less of an issue in regularly scheduled bus services and among truck drivers, there would have to be special rest-stop police to ensure that the breaks are not spent working for this relatively small number of vehicles. An expert within the German police who works internationally with training police officers on the driving and rest time regulation echoes this sentiment, that having several shorter breaks would lead to the driver not having any real breaks. One break must be longer.

5.3.2 12-day rule

The 12-day rule is in its current form only available as part of international trips, with at least 24 hours outside of the starting country, and with one group of passengers only. At the start of the journey the group needs to be listed, which can be shown to authorities to verify compliance with this specific derogation from the normal rest-time rules. The rule can also only be applied if the driver precedes the service with a rest of at least 45 hours, and follows it with an extended rest of 69 or 90 hours. Three possible changes to the derogation are being explored, namely:

- To allow the 12-day rule to be used domestically
- To remove the single-service condition for use of the 12-day rule
- To remove the extra compensatory rest after using the 12-day rule.

Bus and coach operators and their representatives

Domestic use of the 12-day rule

All businesses – especially in larger Member States where long domestic trips are possible – view the possibility of using the 12-day derogation nationally as a **very helpful possibility**. They explained that many long tours can take place within a single Member State. The current rules thus come across as arbitrary, and give companies in neighbouring, (in particular) smaller countries a competitive advantage.

One Swedish operator provided an example of the kind of problem that changing the rule would solve: a Danish company going on a ski trip to the Swedish mountains may use the derogation, while a Swedish company may not. The specific use-case in such an instance would be to take a group to a hotel by a ski-slope, and during the day do shorter trips between the hotel and the slopes. If the trip would be between a Saturday and the succeeding Sunday, 8 days, then a service starting in Denmark could carry out the trip with one driver by using the derogation; a service starting nearby, in southern Sweden, could not. Instead, the Swedish group would have to get to the slopes by themselves one day, or that a second driver would have to be transported to the resort to transport them. Additionally, the driver would have to spend a weekly resting period away from their home and continue to do 4 days of work as he would arrive home. **With the 12-day derogation, the driver would forego the possibility of having a weekly rest, but instead have a longer rest afterwards, at home with their family**.

Indeed, most drivers, both the employed and self-employed, also echoed the sentiment that, given access to the 12-day rule, and the trade-off of compensating a longer service with more time at home, would be considered an improvement to their working conditions. That said, there was some concern about the maximum length of 12 days, which drivers considered fatiguing and materially different from driving for 7 days in a row. Rather, they would intend to use the rule in order to be able to schedule trips of 7-8 days, a trip-length more often sought by customers.

Removal of single service condition and extra rest after use of the 12-day rule

Most operators and their representatives were also enthusiastic about the other two proposed changes, to remove the single-service condition and the extra rest after using the 12-day rule. They explained that, especially if implemented in conjunction with an extension of the derogation to domestic trips, **the changes would both help them to schedule more trips during high season, when driver shortages are often acute.** Operators from **smaller companies felt that they faced bigger challenges** to schedule drivers without recourse to the 12-day derogation, because of their limited pool of drivers. In contrast, larger companies were considered better able to allocate resources according to scheduling needs and the availability of individual drivers.

Elaborating further, it was highlighted that **the 12-day rule would often not be used the maximum, but rather would facilitate the scheduling of trips of 7-8 days**, which, as mentioned above, are fairly common in the sector, e.g. for trips starting on a Saturday and returning the following weekend. Customers reportedly react negatively to the significant price increase between six- and seven-day trips, which stems from the need under the current rules to take on an additional driver.

Operators went on to provide examples of how the changes would improve their service offering. One explained that **removing the single service condition would allow a driver to take a 7-day trip with a first group, come back, and then drive another group** for several days, exceeding the current limits but not fully using the 12 days. They considered the current rule to be arbitrary, since the group of passengers does not materially affect the nature of the job.

Another example concerned the need for extra rest after using the 12-day rule. A typical tour offered by the interviewee's company takes a group of tourists for 10 days starting on a Saturday and ending on the following Tuesday. The rule now requires the driver to have three days of rest after the derogation is used, and two days before. Since five days of rest would be required before using the derogation again, a driver would be prevented from carrying out consecutive services, even though they would be cleared to take a normal 6-day trip after three days of rest. The **long rest times are particularly a hindrance during the high season, when, according to the interviewed business associations, companies and drivers would want to schedule as many trips as possible**, to earn enough to cover for the loss of income during the low season. Indeed, this was emphasised by all companies as well as some of the drivers, both employed and self-employed. It should be repeated that many of the interviewed respondents differentiate between a 7-day trip and a 12-day trip, which both are subject to the extra restrictions under the 12-day derogation, but have significantly different effects on the fatigue level of drivers.

All of that said, while operators generally appreciated changes that would increase their autonomy, **some did express reservations, especially about the removal of the double rest period and the single service condition.** These reservations came from businesses and business associations in larger countries, where the most useful change to the 12-day rule would be the one permitting domestic use. These companies felt that the 12-day rule is used in quite exceptional cases, and that having an extended rest period afterwards was a fair compromise for the additional work. If the double rest after using the

derogation would be removed, they said that they would still be inclined to give the driver extra days off afterwards. Given this, and the expected likelihood that trade unions would oppose the changes, some operators (albeit a minority) were more in favour of minor tweaks to the general rest-time rules, which would allow them to react better to bookings at short notice and periods of peak demand.

Trade unions

All trade unions are in general opposed to any changes to the rules and feel that they have previously accepted liberalisations that have made it easier to schedule occasional services. According to one trade unionist, the 12-day derogation is a good example of this. In the original negotiations for allowing the 12-day derogation, the issue was not of Danish and Swedish companies carrying out services within Scandinavia, but rather trips that involve driving across Europe, where it would take several days to get to the location. The unions accepted the derogation during the negotiations, but the proposal to extend the derogation to be used nationally or more often is an **example of a slippery slope that explains the opposition to allowing the derogation to be used for domestic trips.**

There was **even stronger resistance to the other two proposed changes** to the 12-day derogation, that is, the removal of the single service condition and extended rest period. The point that the unions made frequently is that the rules set the minimum conditions of work, that the idea is not for companies to schedule at these limits consistently, and that using the derogation should be exception, with strictly limited conditions for use. In this context, the extra-long rest after using the derogation is appropriate, while removing it would be both dangerous and unfair. Trade unions saw a risk that extending the scope of the derogation, or making it easier to fit within tight schedules, would make it the de facto norm.

One driver echoed this view, feeling that the most important condition for the 12-day derogation, is the single service condition. This driver explained that, under the current rules, his total working hours actually go down when using the derogation, because trips are usually arranged so as to avoid making customers spend many days in a row sitting in a coach for hours. It was feared that removing the single-service condition would truly lead to 12 consecutive days of extensive driving.

National and enforcement authorities

Compared to others, the **authorities were relatively neutral about using the 12-day derogation nationally and did not express a strong preference**. It was merely pointed out that this would be unlikely to create additional problems from an enforcement perspective.

However, **all authorities were very sceptical of the other proposed changes to the derogation**. A particular concern was that, if deviating from the single service condition would be possible for the occasional services, it would be hard to argue why this derogation should not be available for use in regular passenger or heavy goods sectors. This would in turn lead to a drastic increase in bus and truck drivers who would work 12-days in a row (potentially with just a day of rest between shifts if the extended rest was to be removed as well). The justification would be the seasonality of occasional services, but, due to their major concerns about spill-over into other sectors, authorities did not generally find this sufficiently convincing to support the change.

5.3.3 Daily and weekly rest time rules

With regard to **daily rest**, the current rules stipulate drivers should have 11 hours of rest per day, which can be reduced to nine hours 3 times during a two-week period. This is usually done in order to be able to schedule some driving in the morning, and then some

in the evening, rather than continuous driving. There are two potential changes proposed, one that extends the duty cycle to 16h when actual driving is less than seven hours, and the other to extend the duty cycle to 17h when actual driving is less than five hours. In both cases, the rest would be postponed to the morning hours, thereby not impacting number of hours available for resting and sleeping. The proposal would also only apply to trips that last eight days or more.

As regards to the **weekly rest period**, there are two types of resting periods, the regular 2-day (min 45h) rest and a reduced weekly rest of min 24h. Under the current rules, it is not possible to have several reduced weekly resting periods one after the other. Practically for drivers, this means that the working week alternates between 5 and 6 days. The proposal would allow the flexible distribution of these weekly rests over a reference period of 10 weeks, in order to allow companies to schedule more 6-day working weeks during peak seasons and more 4-5-day weeks when demand is lower.

As shown below, the **issue of daily rest is found the most polarisation among the different stakeholder groups**, with operators and their representatives supporting changes that trade unions, drivers and (for the most part) authorities opposed.

Bus and coach operators and their representatives

Most coach service providers reported **encountering frequent issues with the duty cycle, due to the nature of the occasional sector**. If some unforeseen delay has happened, companies often need to send another driver to quickly cover a last stretch of driving, which is very impractical, or face the risk of infringement. Though this could not be corroborated by drivers, operators felt this would be a cause for stress for drivers, who can be caught in the situation where they are close enough to feel pressure to finish the journey despite this not being compliant with the rules. With this in mind, most operators felt that the proposed changes would provide slack in the scheduling, thus reducing stress and facilitating compliance, as well as making it easier to schedule late-night events. They saw the proposed reductions in overall driving time as a fair compromise.

That said, several operators **criticised the limitation of applying the extension only to trips of more than eight days**. The problems encountered were considered rare on such trips anyway, which tended to reduce the envisaged benefits of the changes.

Trade unions

The **opposition to increasing the duty cycle is again universal among the trade unions, as well as drivers**. The main argument is that there is an undue focus on the driving time as a factor for fatigue, when the reality for drivers in this sector is that they have many other duties besides driving. The union argument is that it is already longer working days and working weeks than most other jobs, while wages are still low, and that these poor working conditions are a reason for the shortage of drivers.

Increasing the duty cycle to either 16 or 17 hours would reportedly lead to dangerous situations. It would mean requiring drivers to stay awake for a long time and to drive late into the night. As the expert on fatigue explained, driving time matters less for the level of fatigue than the hours one has been awake, and whether driving occurs at night. The unions maintain that this would lead to more accidents, and they are in fact critical of the possibility of 15-hour workdays already.

Continuing the topic of fatigue, as it currently is, the driver can get 9 hours of rest if a reduced weekly rest is scheduled. These hours are counted from the moment the shift ends, and deal with a range of personal tasks (e.g. take a shower, clean the coach, get a meal) before going to sleep. In the morning, the driver then must do all the safety inspections and necessary preparations before the trip the next day. Therefore, **it is not**

unusual, according to several of respondents, that drivers only get about 4-6 hours of sleep when they have the reduced daily rest period. Being able to postpone the rest to the morning would still give only a 9 hour rest period, which would reportedly not be enough hours of rest to recuperate from a 16- or 17-hour workday.

The limit on how much driving time a driver can do during the duty cycle ignores an important impact of the occupation, which is that drivers often have to do a lot of work outside of driving, such as cleaning the coach or acting as a tour guide. The current limit within the 15-hour duty cycle is 9 hours of driving, but when counting the non-driving, the driver can be working the entire 15-hour duty cycle. Extending this to either 16 or 17 hours would potentially extend the already long working day.

National and enforcement authorities

Authorities expressed varied opinions on the policy proposals. On daily rests, **most authorities interviewed tended to support the changes if they could be implemented as a tool only for exceptional circumstances**. This would give drivers the possibility of finishing a drive without risking non-compliance and a fine. This could be acceptable not as a scheduling tool, but rather to be able to react to unforeseen situations which has led to long delays. A driver should not be fined for having been held up in traffic, for instance. The issue is to balance the adaptability to unforeseen events without exposing passengers and drivers to danger on the road. This position was widely held by authorities, who also felt it would not be a difficult policy to enforce, while repeatedly highlighting the importance of any changes being for exceptional use.

As for making weekly rests more flexible, authorities pointed due existing resource constraints, and the **likely difficulty in getting operators to report on and enforcing the ten-week reference period**. It was explained that this would require extensive training and guidance, as well as additional staff, to implement this effectively and avoid abuse.

5.4 Conclusions

The trade unions, drivers and national authorities tended to favour keeping the current rules – especially on rest times – while operators and their representatives supported most of the proposed changes. Moreover, the topic of compensatory measures was not especially fruitful: operators and their representatives would consider increased pay for extra shifts, or extra time off in low season, but generally considered that the changes would not materially worsen working conditions, and therefore did not need to be compensated. With a similar logic, trade unions did not want to answer the questions about "compensatory" measures, as that would imply that they would accept the rule changes with such measures.

Nonetheless, looking at the details of the different proposed changes shows that the **possibilities for reaching consensus are greater in some areas than in others**:

- Starting with the **proposal of splitting breaks differently than today**, we see that there is more room for a policy amendment where you can split the breaks into one longer and one shorter period, i.e. one break of 15 minutes and one of 30 minutes, without specifying which should be taken first. This would be only marginally better for scheduling reasons but would avoid the feared situation where a half hour break is forced after a longer break has already been taken. There is a point to having a longer break at the peak of fatigue, and the 15 minutes first and then 30 minutes break model would likely remain in practice when scheduling a longer trip. However, for some trips, this setup would be preferable to both driver and company.

- **Allowing for the 12-day derogation to be used nationally faces less opposition than the other amendments to the 12-day derogation**. Under the same conditions as is applied internationally, this policy would potentially be possible to reach a consensus around. Especially when the clients want to have a 7-8-day trip, it would be preferable to use the 12-day rule, as the driver would otherwise have to take their weekly rest period away from their home. Some compensating rest after using the 12-day rule was considered necessary by drivers and trade unions, making the option to remove it unpopular. That drivers would be able to drive multiple different groups of passengers during the 12-days (i.e. removing the single-service condition) is however not a policy option that seemed acceptable to drivers and unions in its current formulation, because of the meaningful differences between dealing with a single group and multiple groups during a certain length of time.

- Finally, on **changes to rest-time rules**, the only potential opening for changing daily rests to increase the length of the duty cycle concerned doing this for truly exceptional circumstances (such as a traffic accident causing significant delays or forced slow driving due to icy roads). Since working days – and periods awake – were already considered long by trade unions and drivers, the regular working day should not be increased to 16 or 17 hours. As for making reduced weekly rests more flexible, there were fears that short rests would become the norm, while the authorities foresaw significant challenges and costs for enforcement that could result in widespread non-compliance. Indeed, authorities expressed a general concern that reducing rest periods in occasional transport could be a slippery slope and lead to similar calls in other sectors, which they would not favour.

6. Analysis of the public consultation results

6.1 Overview of the public consultation

As required in the Better Regulation guidelines, a public consultation was carried out to inform the impact assessment and to complement the targeted interviews and other sources of evidence.[83]. The consultation was launched on 23 November 2021 and ended on 18 February 2022. The consultation was promoted primarily among key stakeholders (i.e., business associations, bus and coach operators, drivers, national authorities and trade unions, as well as non-governmental organisations (NGOs)) in the EU-27, EEA-EFTA countries, Switzerland and the UK. This made it possible to gather feedback from a wider set of stakeholders than would have been possible using only targeted methods. In addition, the public consultation was also open to 'ordinary' citizens, both from the EU and third countries, for transparency purposes and because citizens consume bus and coach services directly and could potentially have views on how they are organised.

The different respondent groups are reflected in the set of questions asked, which contain both relatively general questions aimed at all interested parties, and more detailed questions that were only asked to 'specialist' respondents who have a good knowledge – as well as economic and political interest – of the topic. In total, the consultation consisted of 44 questions (not including initial profiling questions pre-defined for all public consultations of the European Commission).

This report provides an overview of the 170 contributions received. In the ensuing paragraphs, the analysis of the questions from the public consultation will describe the respondents' profile, and will then focus on the respondents' views of the EU rules for occasional transport of passengers by bus and coach as a whole and potential future changes.

The analysis of the feedback received had to deal with several specific issues, most importantly:

- Respondents who identified themselves as bus drivers (34 self-employed, 21 employed and 2 not stating either way) were particularly critical of the current rules, while they were largely in favour of changes. However, bus drivers interviewed were not criticising current rules to the same extent. Thus, since the study team was able to verify the profile of interviewees and not public consultation respondents, it has placed more trust in the former throughout the report and interpreted the latter very cautiously.

- The number of replies for certain specialised questions was too low to allow for meaningful results (e.g., certain questions on the detailed of enforcement, for public authorities).

- Respondents were asked to indicate their preferred option(s) among a set of eight policy measures as well as five fully-fledged policy option packages. However, since the composition of the fully-fledged options was later changed, the answers to these questions were not analysed and presented.

- Some of the responses were of a campaigning nature, whereby several clusters of responses were received that were nearly identical in terms of both the closed and open questions. These entailed three clusters of identified as business associations and companies (i.e. from Austria and Germany (24 respondents), Italy (5 responses), and Belgium, Sweden and the UK (4 responses) and 9 responses

[83] European Commission: Better Regulation Guidelines, Chapter II: Stakeholder Consultation.

identified as trade unions (i.e. from Belgium, Norway, Romania and Slovenia). While the number of campaign responses was fairly small, it was meaningful in light of the overall number of responses (170), which made it necessary to take action to avoid skewing the results. For this purpose, each cluster of coordinated replies was counted only once in the quantitative analysis of the public consultation responses. The analysis was also done in a way that avoided risks of under-reporting on the views of certain groups. This involved disaggregating the findings by stakeholder group throughout the analysis, and pointing out their similarities and differences.

6.2 Respondents' profiles

The initial section of the consultation asked respondents for information about key characteristics such as their country of origin and organisation or role (e.g., industry stakeholders, public administrations, or citizens), as well as contextual information on their knowledge and views on existing rules about driving and rest time rules in the occasional bus and coach transport sector.

Table 6.1 shows that nearly half responses came from Germany (77, 45.3%). They were followed by respondents from Austria (17, 10%), Italy (17, 9.4%), Belgium (11, 6.5%) and Czechia (8, 4.7%). A large majority of countries (i.e., fifteen out of twenty-four) had their respective respondents' share around or below 1%. Among third country residents, responses were submitted from the United Kingdom (8, 4.7%), Norway and Switzerland (both 1, 0.6%).

Table 6.1: Respondents' country of origin

Country of origin	No of responses	% of responses	Country of origin	No of responses	% of responses
Germany	77	45.29%	Slovenia	2	1.18%
Austria	17	10.00%	Romania	2	1.18%
Italy	16	9.41%	Latvia	1	0.59%
Belgium	11	6.47%	Hungary	1	0.59%
United Kingdom	8	4.71%	Slovakia	1	0.59%
Czechia	8	4.71%	Ireland	1	0.59%
France	6	3.53%	Estonia	1	0.59%
Spain	4	2.35%	Switzerland	1	0.59%
Sweden	3	1.76%	Bulgaria	1	0.59%
Luxembourg	2	1.18%	Norway	1	0.59%
Netherlands	2	1.18%	Finland	1	0.59%
Greece	2	1.18%	Poland	1	0.59%

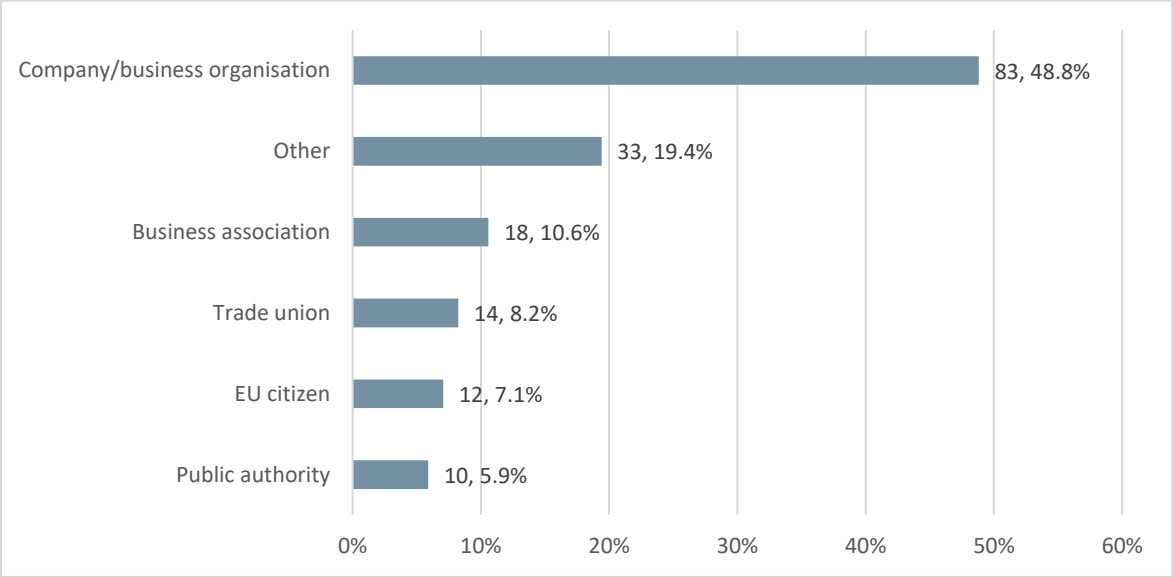
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 170 respondents

Among those respondents who contributed to the consultation as "Other" types of respondents (33, 19.4%), the largest share affirmed to be a professional bus driver (24, 72.7%).

Figure 6.1, nearly half of responses (83, 48.8%) were submitted by companies/business organisations. Business associations accounted respectively for 10.6% of all respondents (18), while 8.2% of respondents (14) were trade unions. Only 12 EU citizens (7.1%), and 10 public authorities (5.9%) participated to the consultation.

Among those respondents who contributed to the consultation as "Other" types of respondents (33, 19.4%), the largest share affirmed to be a professional bus driver (24, 72.7%).

Figure 6.1: Types of respondents



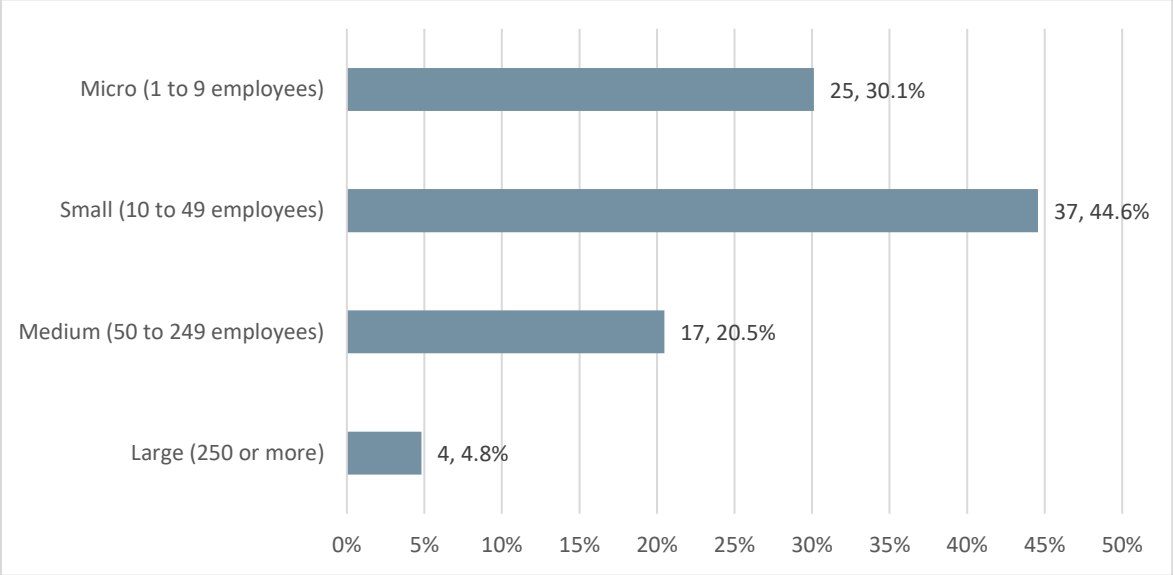
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 170 respondents

However, bus drivers did not only provide their contribution to the public consultation as "Other" types of respondents. Although explicitly requested to select the option "Other" in case they identified themselves as bus drivers, many were the respondents who did not follow this specific questionnaire's guideline. As a matter of fact, out of a total of 57 bus drivers who contributed to the public consultation, only 27 did so as "Other" types of respondents. Twenty-three of them instead contributed to it as companies/business organisations, five as "EU citizens", one as "Trade union", and one as "Business association".

Apart from this, 34 out of 57 bus drivers (59.7%) reported to be freelance workers or owner of their own business rather than being working for an employer; 21 were instead contracted employees (36.8%) and 2 bus drivers did not provide an answer.

Out of the 83 companies that participated in the public consultation, nearly 75% (62) had between 1 and 49 employees (i.e., were either micro or small companies), whilst medium and large businesses accounted together for 25.3% (21) of all businesses that took part, as reported in **Figure 6.2**.

Figure 6.2: Organisations' size



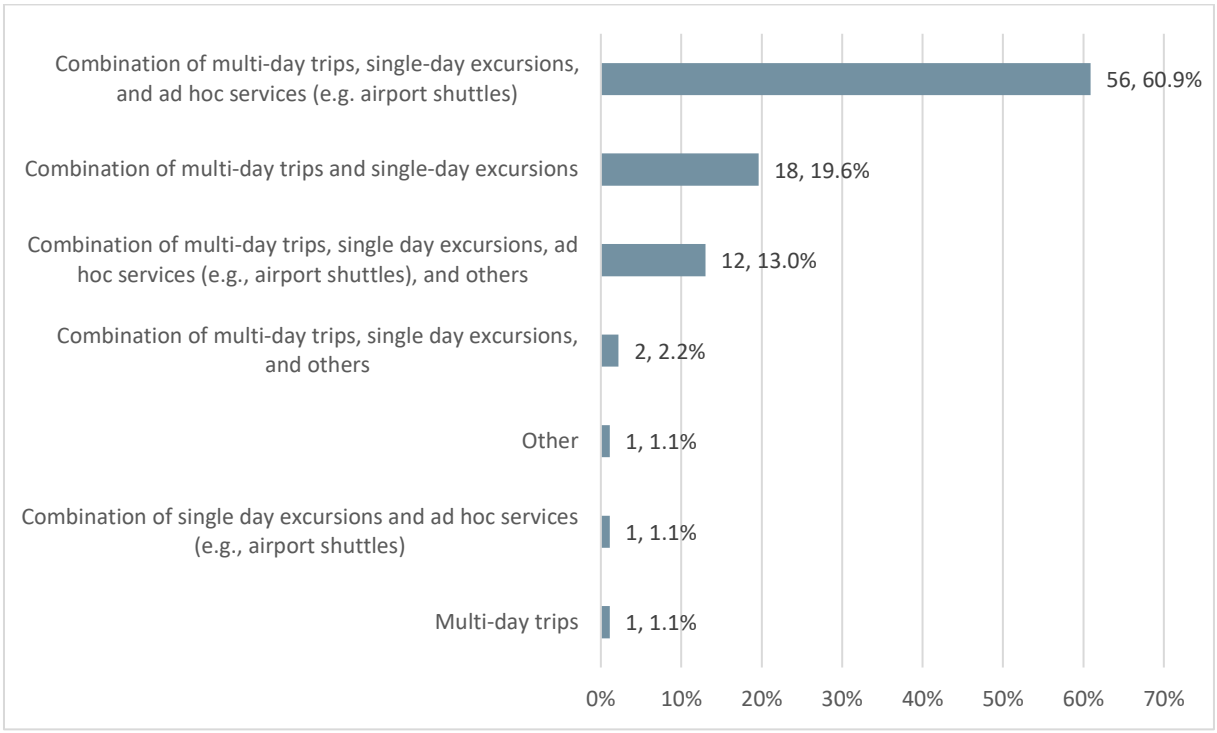
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 83 respondents

59 companies also provided information on the type(s) of services provided. About 56% of them reported being involved only in bus and coach services; on the other side, 40.6% of respondents reported providing both bus and coach, and tourism services. The remaining portion of companies (3.4%) was involved in both aforementioned services and, on top of that, in the provision of other goods/services.

6.2.1 Bus and coach operators' characteristics

In order to contextualise their responses to questions on the rules and preferences for potential future changes, bus and coach operators were asked to provide more details about the nature of their activities. About 61% (56) of them declared to offer a diversified range of services which included: multi-day trips, single day excursion, and ad-hoc services (e.g., airport shuttles).

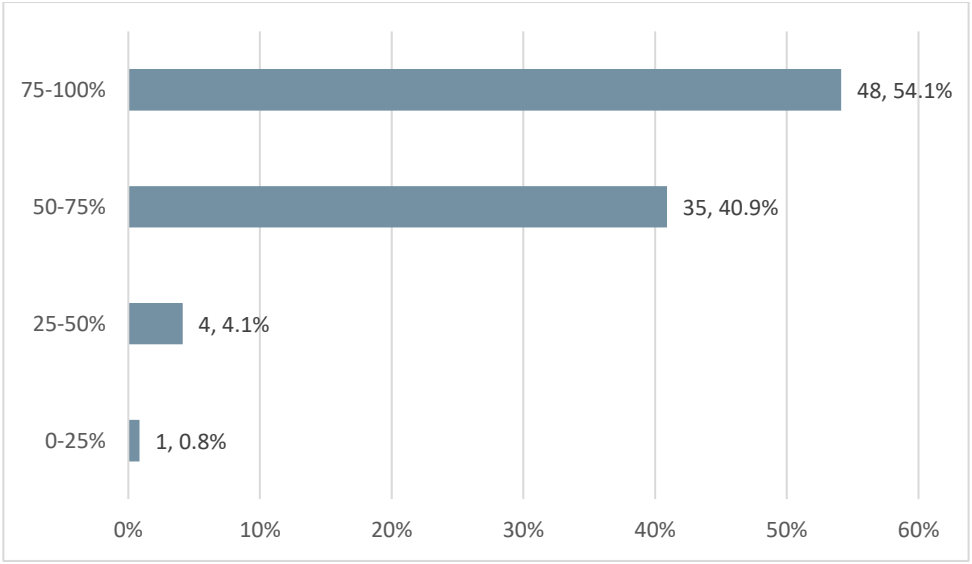
Figure 6.3: Types of services provided



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 92 respondents

Bus and coach operators were also asked to provide details on the length of the peak season for their respective businesses. Out of 88 respondents, 71 (80.7%) said that typically the season when travel is most active, and rates are highest lasts for 3-to-6 months, while only 8 respondents (9%) agreed that it does not last longer than 3 months. Furthermore, as illustrated in **Figure 6.4**, 95% of respondents (83) indicated that seasonal services take between 50 and 100% of the total amount of services provided.

Figure 6.4: Percentage of seasonal services across bus operators



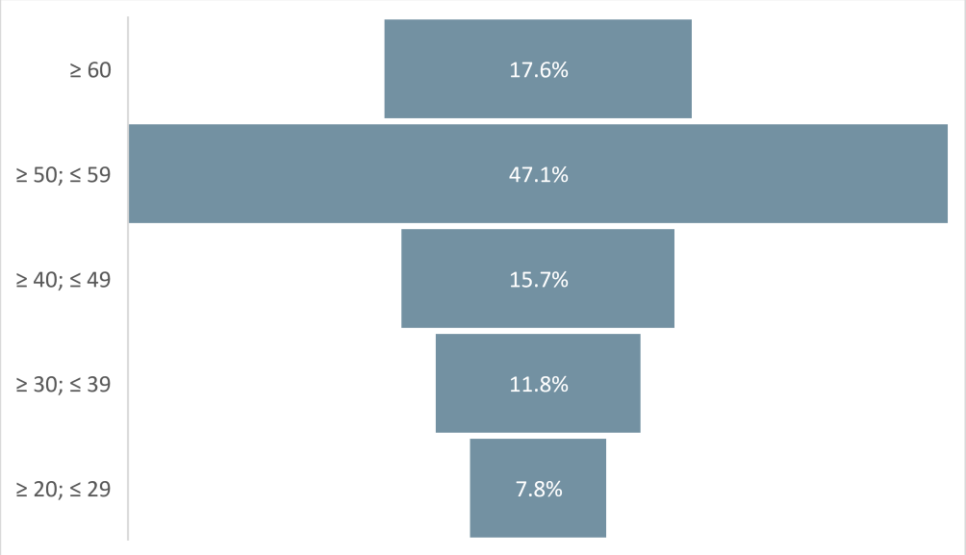
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 88 respondents

Furthermore, according to 32 out of 71 bus operators (45.1%), in 2019 the turnover generated by occasional transport was more than 75% of total yearly sales. According to 28.2% of the respondents, instead, the occasional transport sales' share was between 75% and 50% of the total turnover.

6.2.2 Bus drivers' characteristics

Overall, the average age of bus drivers who participated in the public consultation was 47.2, while the median age was 53. More in detail, about two thirds of drivers were older than 50, with almost one of every five drivers being above the age of 60. In contrast, drivers between 40 and 50 made up about 16% while less than 20% were under 40.

Figure 6.5: Bus drivers' age groups

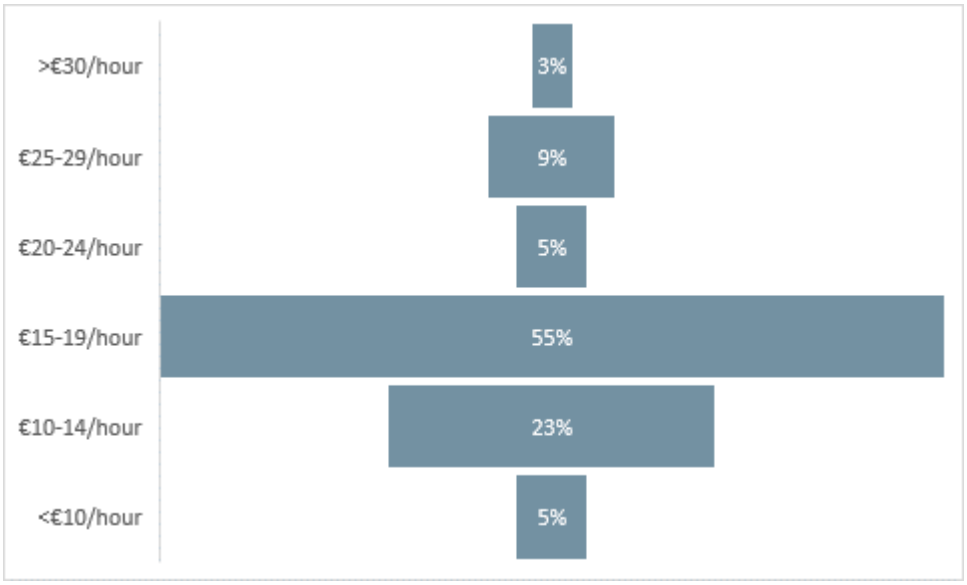


Source: Public consultation – Driving and rest time for bus and coach drivers
Note: ≥ 60: 9 respondents; ≥ 50; ≤ 59: 24 respondents; ≥ 40; ≤ 49: 8 respondents; ≥ 30; ≤ 39: 6 respondents; ≥ 20; ≤ 29: 4 respondents
Base: 51 respondents

Bus drivers were then asked to indicate the percentage of working days spent on coach services in 2019. 87.1% of respondents reported that occasional transport constituted at least 50% of the services provided during the year, while 28.2% indicated that it represented the only service provided.

The figure below shows the distribution of average hourly wages across respondents. As can be noticed, in 2019 the largest majority of bus drivers (78%) earned between €10-19/hour, with a subgroup of 55% of respondents earning between €15-19/hour.

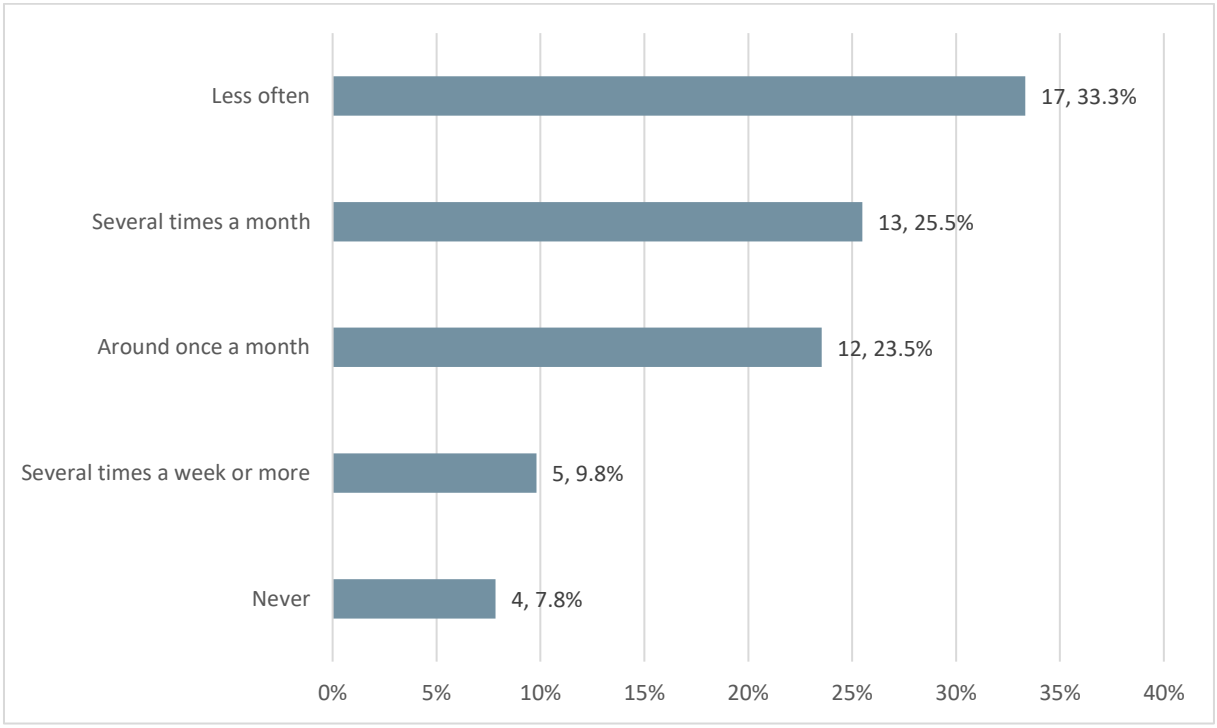
Figure 6.6: Share of bus drivers by average hourly wage in 2019



Source: Public consultation – Driving and rest time for bus and coach drivers
Note: >€30/hour: 1 respondent; €25-29/hour: 4 respondents; €20-24/hour: 2 respondents; €15-19/hour: 22 respondents; €10-14/hour: 9 respondents; <€10/hour: 2 respondents.
Base: 41 respondents

Given the peculiarities of the occasional bus and coach sector (e.g., the provision of tailored services to meet the needs of customers), bus drivers were also asked to provide an estimate of how often they have been requested to work on a short notice. Out of 51 respondents, 33.3% (17) reported to have done so not often (i.e., less often than once a month), while 25.5% (13) and 23.5% (12) of respondents reported to have worked on short notice respectively several times a month and around once a month (see **Figure 6.7**).

Figure 6.7: Frequency of short notice trips



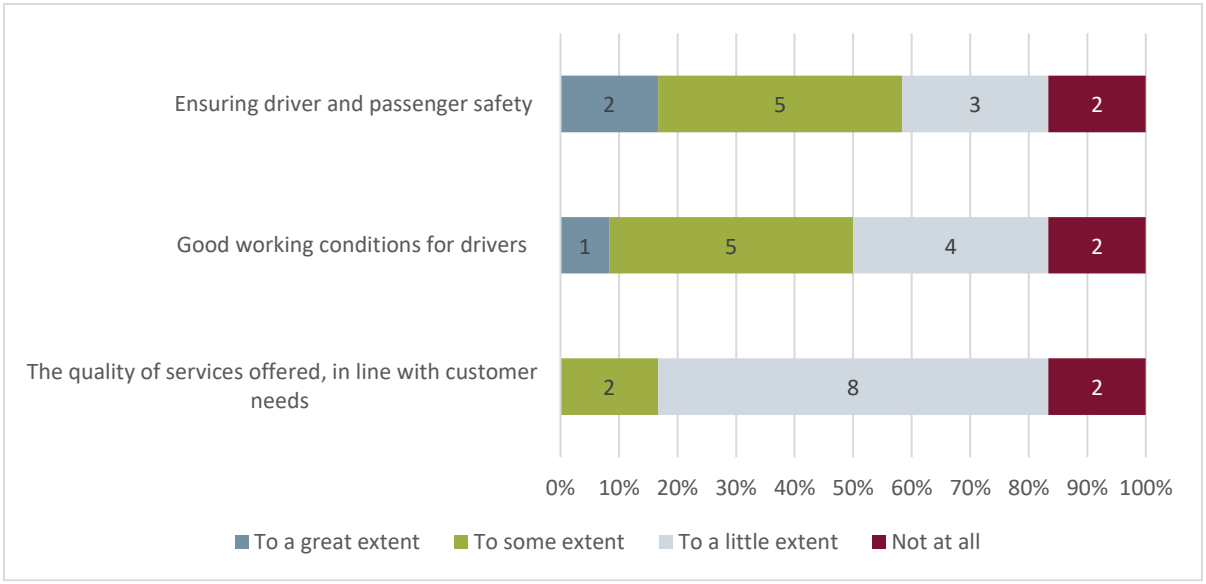
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 51 respondents

6.3 Feedback by EU citizens

Since the number of questions targeting only EU citizens was limited compared to the number of questions targeting other groups of stakeholders, this paragraph aims at presenting EU citizens' views on those questions requesting solely their input.

EU citizens were asked for their views on the impact of the current rules regarding good working conditions for drivers; driver and passenger safety; and quality of services offered.[84] Results are presented in the figure below and show that most respondents found the existing legislation to have contributed positively to drivers and passengers' safety and good working conditions. Although respondents were less positive about the impacts on the quality of services offered, with about two thirds answering that the rules contributed 'to a little extent'.

Figure 6.8: "In your view, to what extent do the existing rules contribute to the following aspects?"

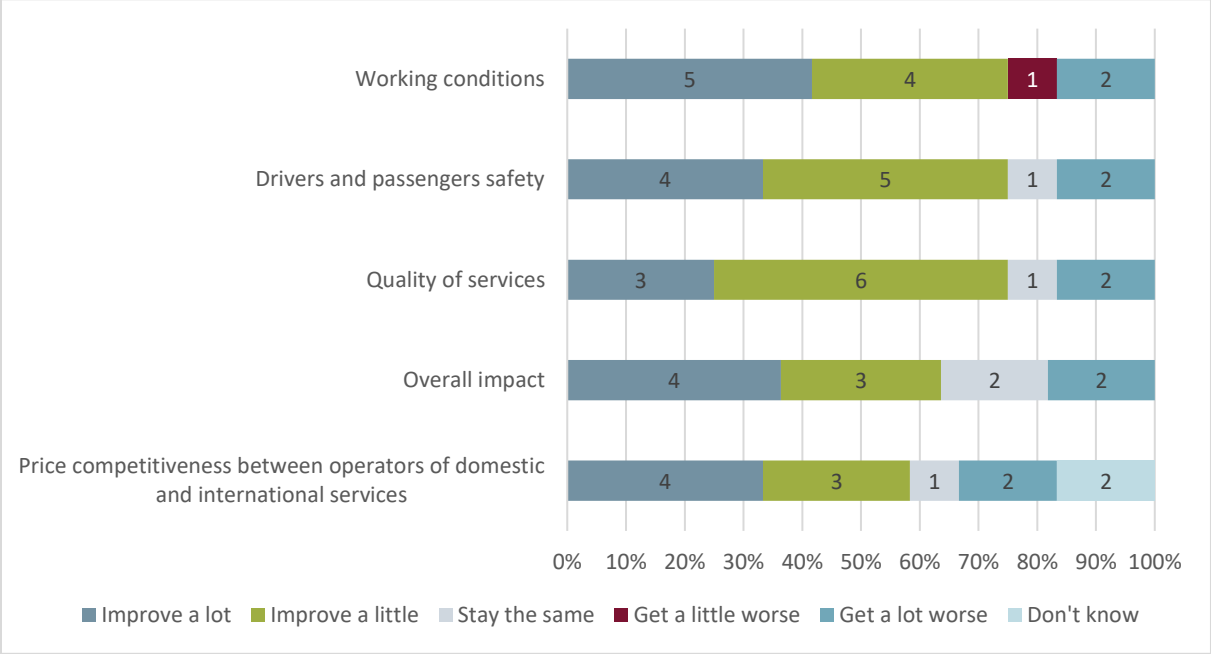


Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 12 respondents

In order to figure out the likely impacts compared to the current situation of several possible changes to the existing rules, **EU citizens** were also asked if – in their opinion - changes to make the rules more responsive to the needs of passengers/customers could lead to improvements compared to the current situation. **Figure 6.9** shows that overall, changes in that direction are perceived as positive by the majority of those replying as EU citizens. If changes are to take place, the most significant positive impacts are believed to be experienced in the realm of working conditions for bus drivers, drivers and passengers' safety, and quality of services.

[84] Citizens were also asked to elaborate on any additional aspects, but only one reply was provided.

Figure 6.9: "To what extent do you think that changes to make the rules more responsive to the needs of passengers/customers could lead to improvements compared to the current situation?"



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 12 respondents

When asked to provide further comments, some respondents said that improving the responsiveness of the service to customers' needs can be a good driver for change only if the rules become more flexible and hence (in their view) allow bus driver to operate with less stress. To these respondents, the future rules must be more responsive of the needs of people and grant exceptions in cases of delays not attributable to the driver. It is essential to drive without the stress of a mandatory timetable (with respect to break and rest times) to be respected.

It was also noted that users should be made aware of and informed about the legislation that the driver must comply with. Very often it is the passengers who do not understand that the driver cannot satisfy every desire of the user.

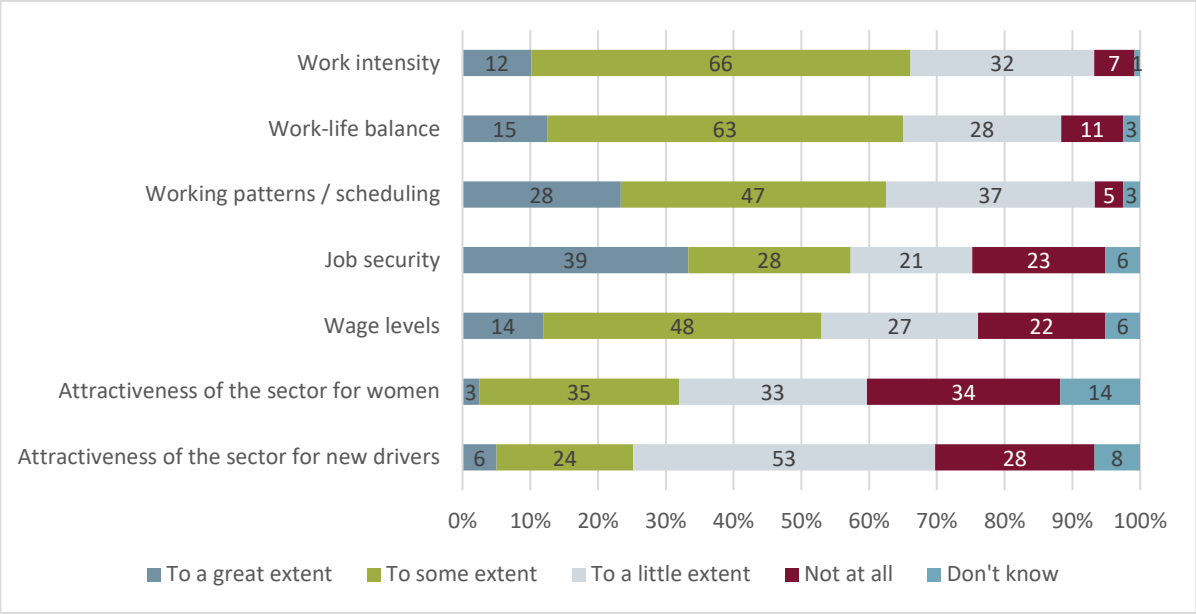
6.4 Overall views on existing rules

The next part of the consultation focused on experiences of the existing rules, both to ascertain whether changes were considered necessary, and to establish a baseline against which future changes could be compared (see section 6.5). When deemed appropriate (i.e., when replies do not differ much by stakeholders' group), both the views on current rules and future changes have been analysed by category of respondent (e.g., bus drivers, companies, etc.).

6.4.1 Working conditions

More specialised stakeholders (i.e., all respondents but EU citizens) were asked for more detailed feedback on the impact of the rules regarding each key aspect. On **working conditions**, respondents were asked to consider different perspectives: working patterns/schedules; work-life balance; work intensity; wage levels; job security; attractiveness of the sector (especially for new drivers and women); additional aspects. Results are presented in **Figure 6.10**.

Figure 6.10: "To what extent do the existing rules contribute to good working conditions for drivers? Please consider the following aspects"



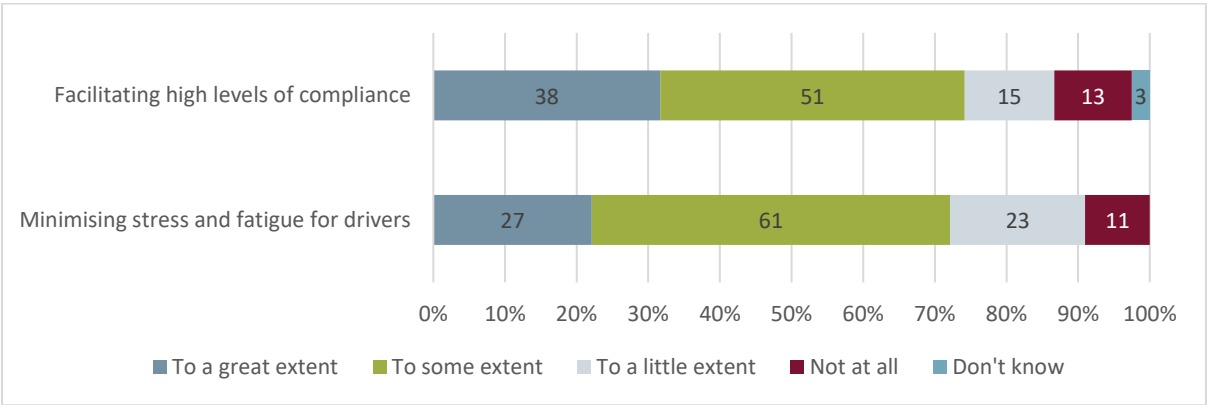
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 120 respondents

In terms of working conditions, the most important contributions of the rules were seen in the areas of **work intensity** and **work-life balance**, where a total of 66% respondents (78) thought that current legislation contributed to either some or a great extent. Respondents also seemed to see the benefits of the rules in the areas of **working patterns/scheduling** and **job security**. On the other side, 57% of respondents (67) believed that current rules did little or nothing to improve the **attractiveness of the sector for woman** and 69% (81) of respondents thought the same also for **new drivers** in general.

6.4.2 Road *safety*

Respondents were then asked to assess the role of the existing rules in ensuring **road safety**, in terms of the effects on several aspects, such as the stress and fatigue for drivers and the level of compliance. Results are presented below.

Figure 6.11: "To what extent do you think the rules on rests and breaks contribute to 'road safety'? Please consider the following aspects"



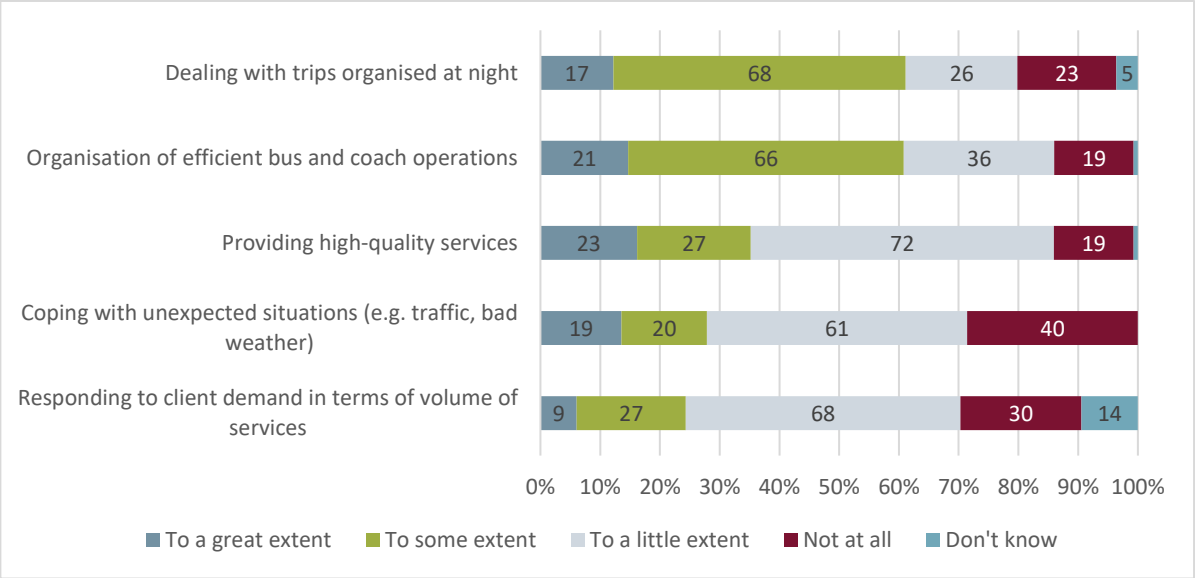
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 122 respondents

In terms of road safety, **current rules were overall seen as important**. For instance, 75% of respondents (89) said that they were beneficial in terms of levels of compliance (e.g., they were overall easy to comply with) – of which 32% (38) said they contributed to the objective to a great extent. Most respondents (88, 72%) also concurred on the fact that current rules helped the reduction of drivers' stress and fatigue.

6.4.3 Quality of services

With respect to the interplay between current legislation and the level of quality of services provided, respondents were asked to assess rules according to five different aspects: organisation of efficient bus and coach operations; provision of high-quality services; responding to client demands in terms of volume of services; coping with unexpected situations (e.g., traffic, bad weather); dealing with trips organized at night. Results are depicted in **Figure 6.12**.

Figure 6.12: "To what extent do you think the rules on rests and breaks contribute to 'efficient and high-quality services'? Please consider the following aspects"

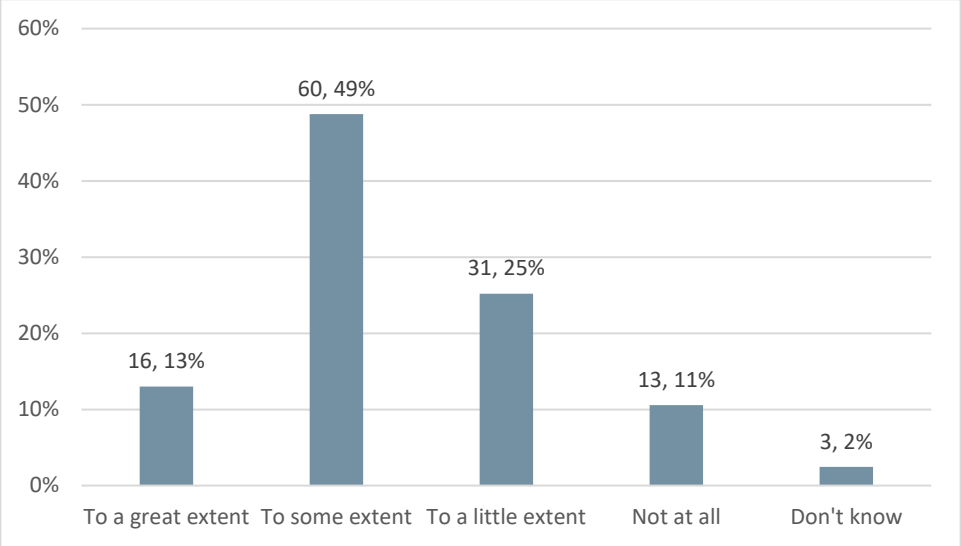


Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 148 respondents

According to respondents the most important contribution of rules on occasional passenger transport were seen in terms of **the way night trips are dealt with** and **efficient organization of bus operations**. Sixty-one percent of respondents (87) have witnessed some or great impacts for each of the two aspects. On the other side, no or little contribution of current rules were seen in terms of **quality of services provided** (64% of respondents saw no or little impact), **coping with unexpected situations** (73% of respondents claimed to have witnessed no or little impact) and **responding to client demand in terms of volume of services** (66% of respondents claimed to have witnessed no or little impact).

Figure 6.13 shows the respondents' views on the relation between current social rules and multi-manning rules and whether their interplay contributes to the provision of high-quality services. About half of respondents (60, 49%) seemed to believe that the interplay promotes to some extent the organisation of high-quality services, while a fourth of respondents (31, 25%) believed it only contributes to quality to a little extent.

Figure 6.13: "Do you feel that the rules on breaks and rest periods interact with the multi-manning rules in a way that allows efficient and high-quality services to be organised?"

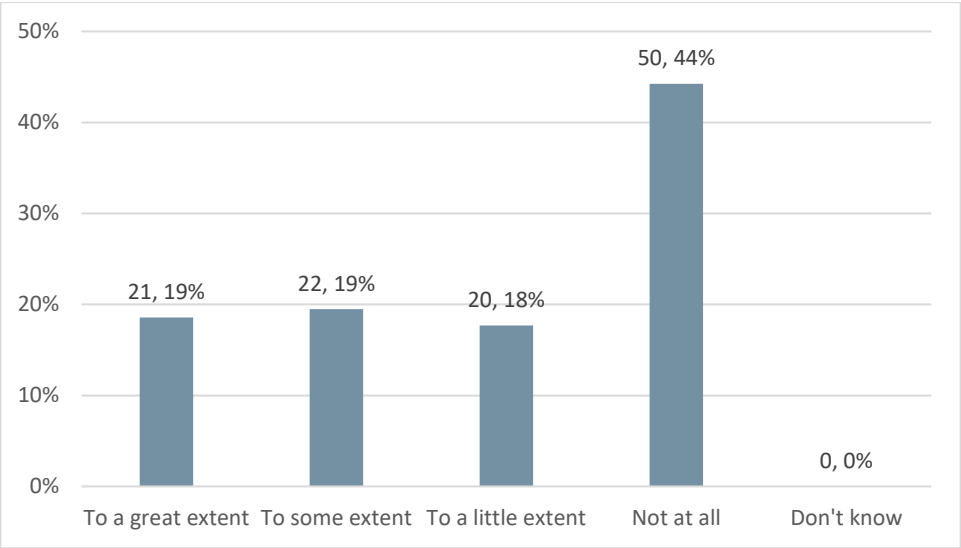


Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 123 respondents

6.4.4 Fair competition

Since the 12-day derogation can only be used for international trips, the public consultation explored the role of the existing rules to perceptions of fair competition between domestic and international services. Nearly half of respondents (50, 44%) did not feel that the current rules contributed to fair competition at all, while most of the others gave non-committal answers. In other words, those with an opinion considered the existing rules not to contribute to a level playing field between domestic and international services (see **Figure 6.14**).

Figure 6.14: "Do you think the driving, break and rest rules contribute to fair competition between domestic and international services?"

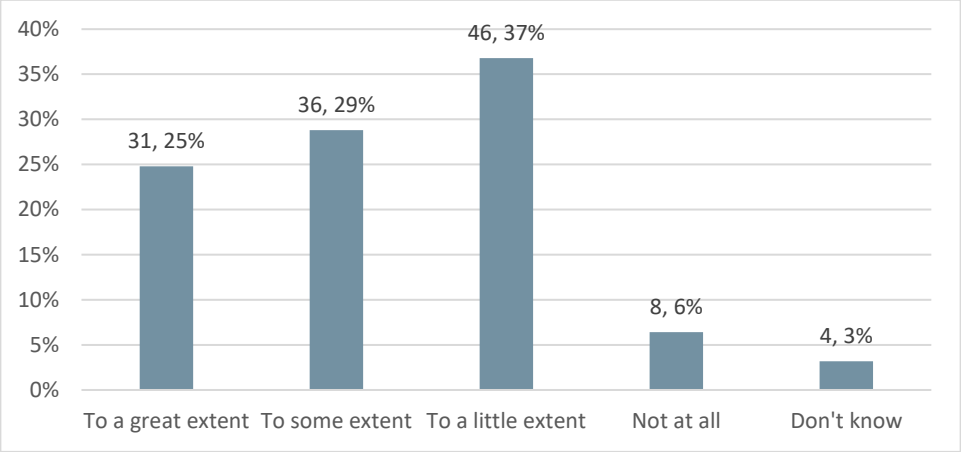


Source: Public consultation – Driving and rest time for bus and coach drivers
Note: When providing their answers, respondents were asked to please consider the "12-day derogation" (Article 8(6a) of Regulation 561/2006), which applies only to transport crossing international borders as part of a single trip, meaning occasional services taking place within one country cannot use the derogation. Base: 113 respondents

6.4.5 Compliance

Since reduced-quality services and difficulties with compliance are often closely related, **bus and coach operators, business associations and trade unions** were also invited to provide their views on the extent to which current rules facilitate compliance for a sector where – due to the varied nature of services – difficulties to comply with rules are evident. As shown in **Figure 6.15**, more than half of respondents (67) thought that current rules pose a problem for compliance either to a large or some extent.

Figure 6.15: "To what extent do the rules pose difficulties with compliance / enforcement?"



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 125 respondents

Most of respondents who provided additional comments specified that the difficulties with compliance arise from the lack of flexibility of current norms which are said to be "unfit" for the business pattern of coach tourism. Therefore, compliance and enforcement of the existing rules continue to pose difficulties to both operators and to the enforcement agencies across the EU. Furthermore, respondents also claimed that reduced operational flexibility, ultimately negatively affects the business viability of coach tourism operator.

6.4.6 Need for change

The section on the current situation concluded by collecting views on the extent to which stakeholders (i.e. all but EU citizens) were in favour of changing the rules. Not surprisingly given the issues described above, most respondents found necessary some kind of change in current rules. More specifically, more than 60% of respondents (87 for break rules and 86 for rest time rules) believed that some minor refinements were needed for rules concerning both breaks and rest times, while only a few thought that rules should be kept as they are (**Figure 6.16**).

Figure 6.16: "Overall, do you consider that the existing rules are appropriate, or that they should be changed? Please consider separately for breaks and rest rules?"

Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 139 respondents

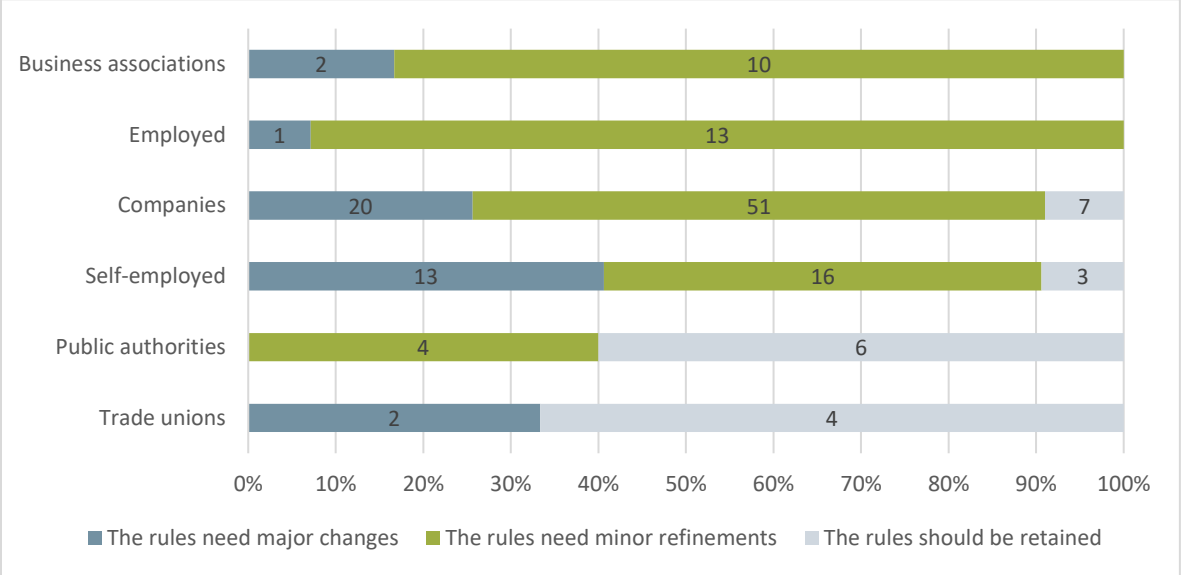
In terms of break rules, it is worth noticing that the big majority of every group of respondents except public authorities and trade unions was in favour of some sort of changes: 17% of **business associations** (2) have expressed in favour of major changes, while the remaining 83% (10) was leaning towards less substantial modification; 93% of **companies** (71) was supporting either major or minor legislative mutation.

A significant propensity towards a change in current break rules could also be noticed among **self-employed** and **employed bus drivers**. However, self-employed respondents were more in favour of major changes than employed ones (41% or 13 vs 7% or 1).

The strongest opposition to any form of change in break rules came from **public authorities** and **trade unions**. However, whereas a minority of public authorities showed also a certain propensity towards change (40% or 4 were in favour of minor changes), a third of trade unions argued to be in favour of major changes (**Figure 6.17**).

Trade unions' stance is particularly surprising. Although they have expressed strong negative opinions towards the proposal of a more flexible social legislation for bus and coach drivers, the figure below seems to suggest that a significant share of them is actually not against a change in that direction. However, the question under assessment did not specify to respondents which kind of change it is to be pursued. Therefore, it should be safe to assume that trade unions' disposition to change displays their intention to make rules – to a certain extent – stricter.

Figure 6.17: "Overall, do you consider that the existing rules are appropriate, or that they should be changed? Please consider separately for breaks and rest rules: Breaks" (1)



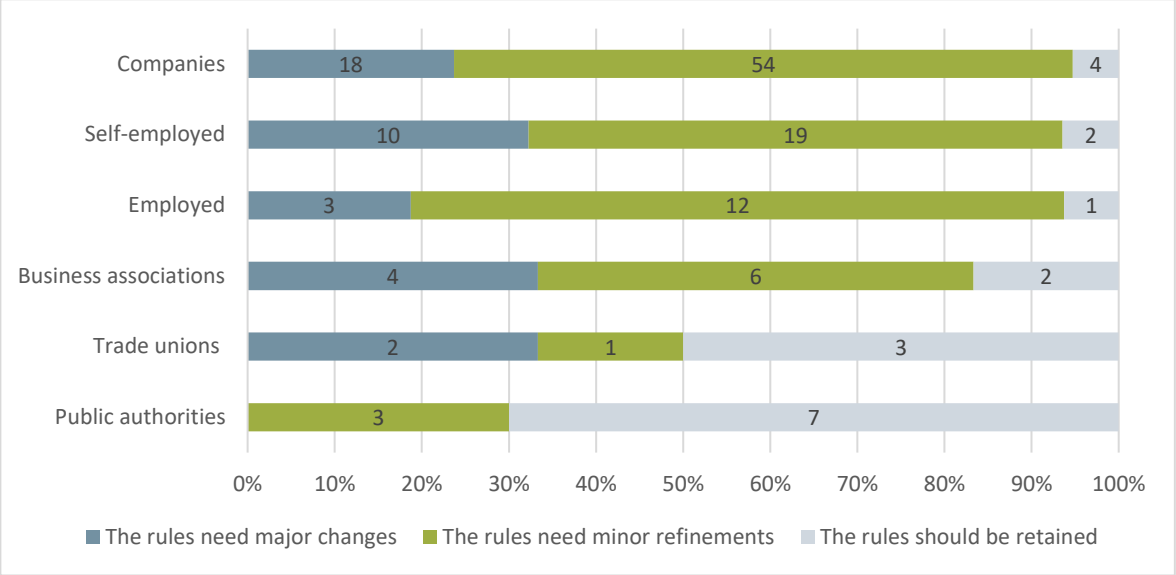
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: Number of companies = 78; number of business associations = 12; number of trade unions = 6; number of public authorities = 10; number of self-employed drivers = 32; number of employed drivers: 14

Similarly, in terms of changes to rest time rules, the largest opposition came from **public authorities** (70% or 7 opposed to any type of change) and **trade unions** (50% or 3). On the other side, **companies** and **business associations** were still the two groups of respondents showing the most propensity towards change (with an average share of 94% of respondents who reported being in favour of some sort of changes). Business associations, though, had a larger proportion of respondents in favour of major changes to current rest time rules (33% or 4 vs 24% or 18 of companies).

Regardless of their level of opposition towards rest time changes, **trade unions** displayed again a significant share of respondents who supported the proposal of major changes (30%, 2). The same argument made for trade unions for **Figure 6.17** applies here.

In general, **self-employed** and **employed** bus drivers endorsed the idea of changing rest time rules too. The share of self-employed respondents in favour of major changes was however significantly larger than the share of employed bus drivers (32% or 10 vs 19% or 3) (see **Figure 6.18**).

Figure 6.18: "Overall, do you consider that the existing rules are appropriate, or that they should be changed? Please consider separately for breaks and rest rules: Rest times" (1)



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: Number of companies = 76; number of business associations = 12; number of trade unions = 6; number of public authorities = 10; number of self-employed drivers = 31; number of employed drivers: 16

6.5 Potential changes

In addition to general aspects, the public consultation collected the views of respondents on a number of potential changes that could address the main problems identified with the current rules on break times and rest periods for the occasional bus and coach sector (as per Regulation 561/2006). More specifically, this section of the public consultation asked respondents to identify a (set of) preferred change(s) and then to assess their impact on a number of socio-economic indicators such as "working conditions" for bus drivers, "bus driver and passengers' safety", and "ability to organise efficient services" for customers. In case respondents did not support any of the proposed break and/or rest period changes, they were asked to indicate the option they considered the most tolerable. This has provided a larger base of respondents when preferences were analysed.

This section is divided into two main subsections: subsection 6.5.1 on *Break changes* and subsection 6.5.2 on *Rest period changes*. Whereas in the first subsection respondents were asked to pick one of the two break changes proposed, in the second subsection respondents could select a set of most favourite changes (i.e., a set of measures). In turn, the analysis of likely impacts of selected rest period changes focused on the most favoured combination of changes.

6.5.1 Break changes

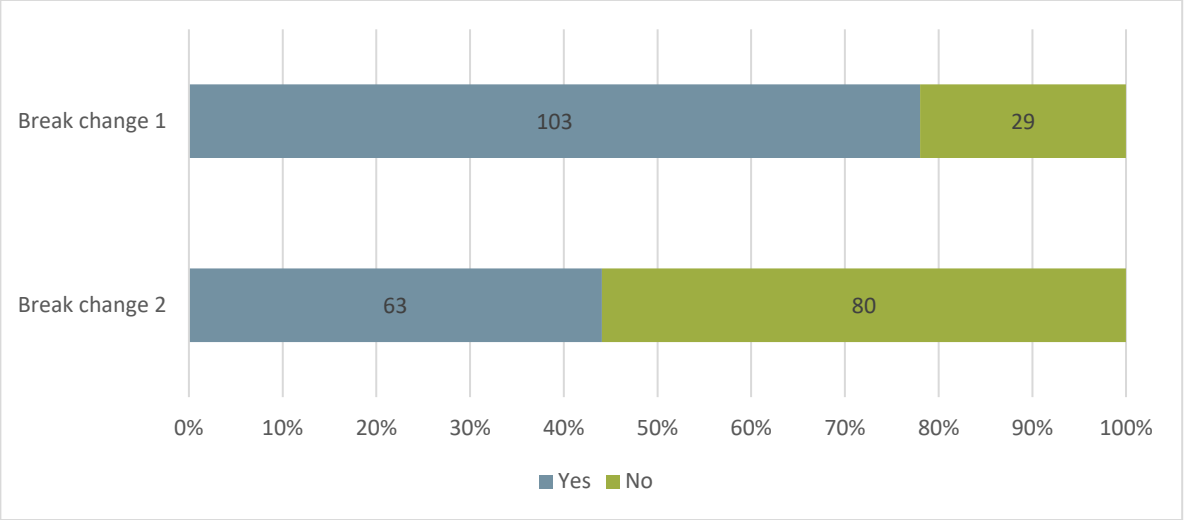
Preferred change

All respondents but EU citizens were presented with two possible changes to make the **organisation of breaks during a trip** more responsive to the needs of stakeholders. **Break change 1** entails that occasional bus and coach drivers are allowed to split their break of minimum 45 minutes into 30 + 15 minutes[85] or 15 + 15 + 15 minutes; **break**

[85] Note that under the current rules splitting the break into 15 + 30 minutes is already allowed.

change 2, instead, allows occasional bus and coach drivers to arrange and split in a fully open manner their break of minimum 45 minutes over the period of 4h30 driving time. Results are showed below.

Figure 6.19: "Two possible changes have been identified to make the organisation of breaks during a trip more responsive to the needs of stakeholders. Please indicate whether you think either of these changes should be implemented (NB: maximum one of these changes can be picked)"



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 143 respondents

Break change 1 was also deemed the most satisfactory option by those 26 respondents who believed that neither of the proposed changes should be implemented.

Furthermore, among them, fourteen respondents were in favour of retaining the current rules, whereas the remaining twelve proposed different changes. When the latter group of respondents was given the chance to explain what kind of changes they would like to see implemented, nine of them proposed the elimination *ex novo* of the split of breaks and its replacement with the so called "effective break"[86].

When examining the responses of different stakeholders' groups (**Table 6.2**), it can be noticed that break change 1 is a much more polarising proposal compared to break change 2. Indeed, break change 1 meets the favours of 82% and 81% of **business associations** and **companies** while it faces the opposition of a large share of **public authorities** and **trade unions**. On the other side, break change 2 still meets the opposition of trade unions and public authorities; however, also a slight majority of business associations is against it.

When it comes to bus drivers (38 respondents in total), both **employed and self-employed** seem to favour both changes (with a slight preference towards break change 1). Whereas the majority of both groups welcomed the two proposals, they did not do so equally. The share of respondents in favour of break change 1 was 80% for self-employed

[86] Some respondents from trade unions proposed the replacement of the concepts of "break" and "rest period" with the more comprehensive term of "effective break". The argument behind this proposition, according to this group of respondents, lies on the fact the flexibilization of driving and rest patterns is believed to be used by the industry to extend the amount of consecutive working hours to better fit the business needs and would consequently worsen drivers' working conditions. In turn, the introduction within the current legislation of a reference to the "effective break" would ensure that drivers can benefit of a full 45-minute break in between two slots of driving times of 4,5 hours each - without being engaged in other activities qualifying as work.

and 100% for employed; the share of respondents in favour of break change 2 was around 70% for self-employed and again 100% for employed.

Table 6.2: Stakeholders by category in favour of break change 1 vs break change 2

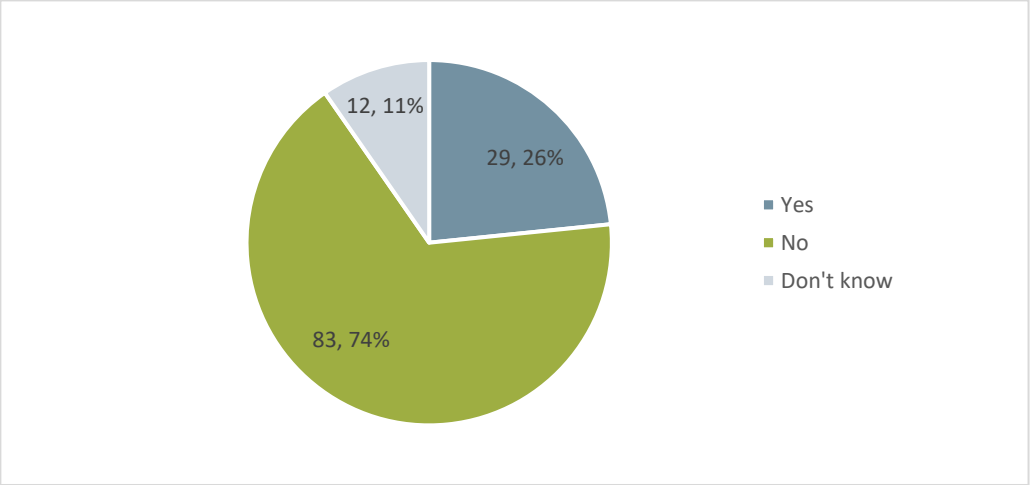
		Business associations	Companies	Self-employed drivers	Employed drivers	Trade unions	Public authorities
Break change 1	Yes	9 (82%)	38 (81%)	16 (80%)	15 (100%)	1 (17%)	2 (20%)
	No	2 (18%)	9 (19%)	4 (20%)	0 (0%)	5 (83%)	8 (80%)
Break change 2	Yes	5 (45%)	30 (55%)	16 (70%)	10 (100%)	0 (0%)	1 (10%)
	No	6 (55%)	25 (45%)	7 (30%)	0 (0%)	& (100%)	9 (90%)

Source: Public consultation – Driving and rest time for bus and coach drivers

Compensatory measures

Then, the public consultation participants were invited to provide their opinion on the following question: *"Do you think that compensatory measures would be needed to prevent deterioration of working conditions under your preferred (set of) change(s)?"*. Respondents were essentially asked whether any given change should be accompanied by additional measures aiming to ensuring that drivers are able to take sufficient breaks and avoid fatigue. According to **Figure 6.20**, overall 26% (29) of the 112 respondents considered the integration of compensatory measures as necessary in view of the improvement of the working conditions (regardless of the change preferred).

Figure 6.20: "Do you think that compensatory measures would be needed to prevent the deterioration of working conditions under your preferred (set of) change(s)?"

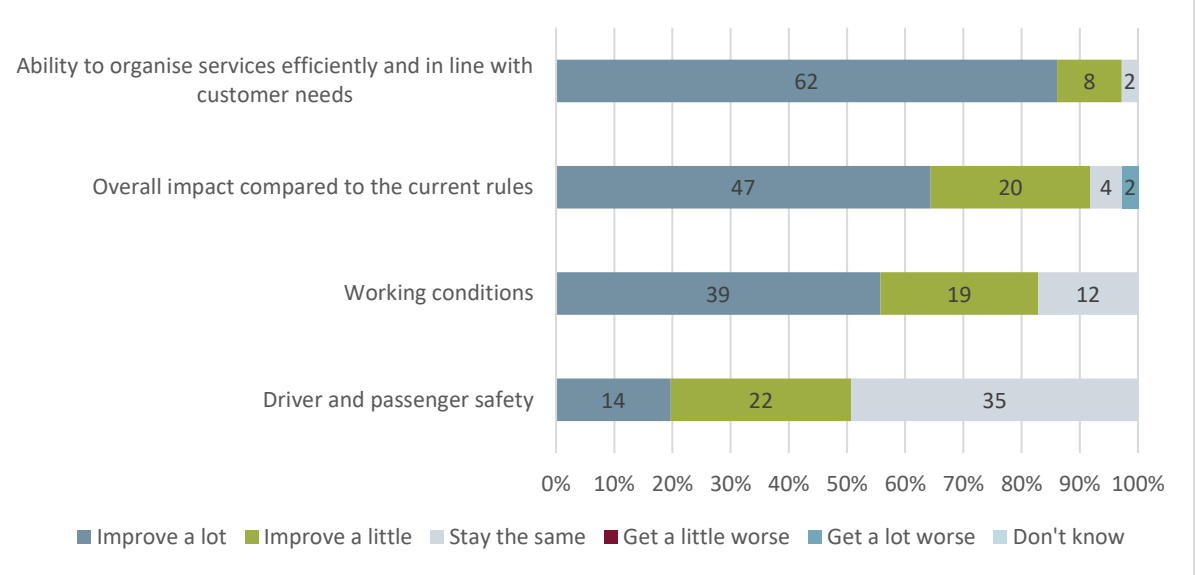


Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 112 respondents

Likely impacts of preferred change

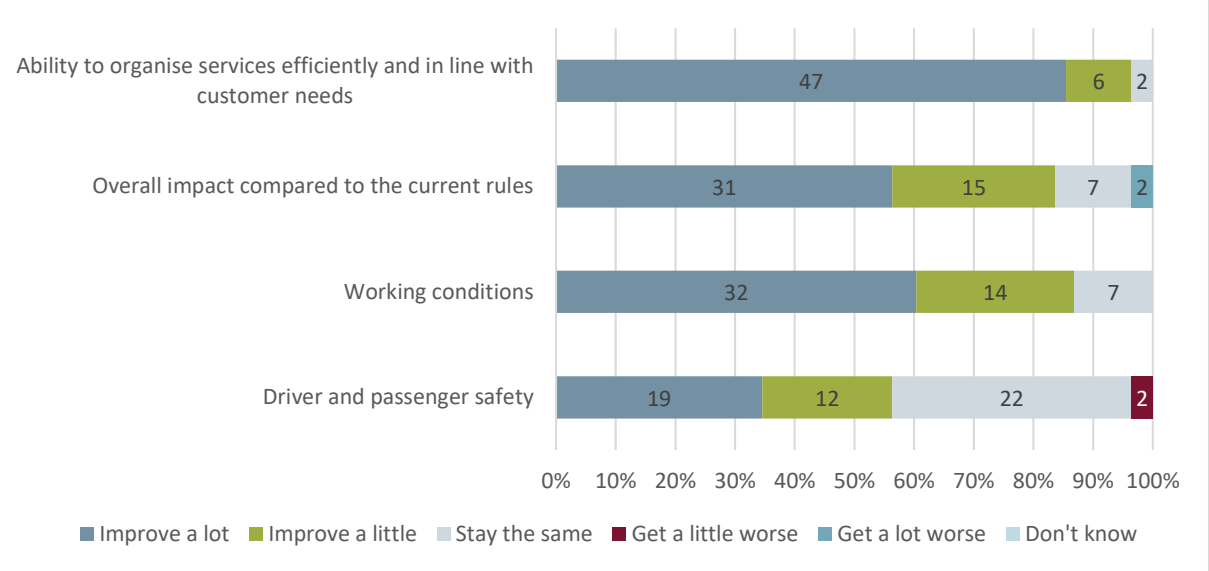
Respondents were asked to give their views on the expected impacts of their preferred break measure on different indicators. The two figures below show respectively: 1) the answers of respondents who are in favour of implementing break change 1 (**Figure 6.21**); 2) the answers of respondents who are in favour of implementing break change 2 (**Figure 6.22**).

Figure 6.21: "What do you think would be the impact of the proposed change (break change 1) compared to the current rules?"



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 73 respondents

Figure 6.22: "What do you think would be the impact of the proposed change (break change 2) compared to the current rules?"



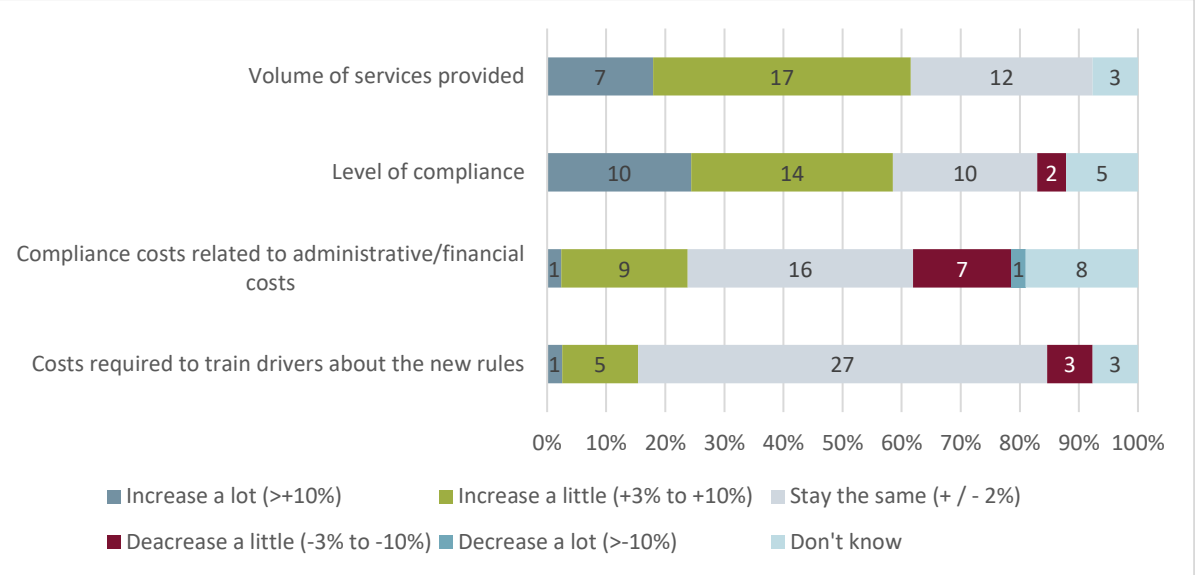
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 57 respondents

The two figures above showed that supporters of each break change expected important improvements, mainly in terms of **service delivery**, **working conditions**, and **overall impacts**. More specifically, both groups of respondents recognised that each break change would primarily impact the flexibility of bus drivers and bus operators to organise services that are in line with customer needs. Furthermore, as far as break change 1 is concerned, 54% of respondents (49) consider that bus drivers' working conditions would improve a lot, while 26% of respondents (19) agreed that they would improve but to a smaller extent. On the other hand, break change 2 would significantly improve working conditions according to 57% of respondents (32).

Then **bus and coach operators** as well as **bus and coach drivers** – who opted for break change 1 – were asked to estimate the impact of the proposed change on the overall level of legal compliance, the compliance costs related to administrative/financial costs, the costs required to train bus drivers in accordance with new rules and the volume of services provided.

According to the majority of respondents, the largest positive impacts of break change 1 are to be expected on volumes of services provided and level of compliance (about 60% of respondents expect both of them to improve). However, break change 1 is expected to bring no major positive effect on compliance costs and training costs, as a respective majority of 55% (23) and 77% (30) of respondents foresees either no changes or minor drawbacks (see **Figure 6.23**).

Figure 6.23: "Compared to the situation with the current rules, we would like you to estimate the impact that the proposed change (break change 1) would have on compliance, regulatory costs and business performance. Please select from the relevant responses" (1)



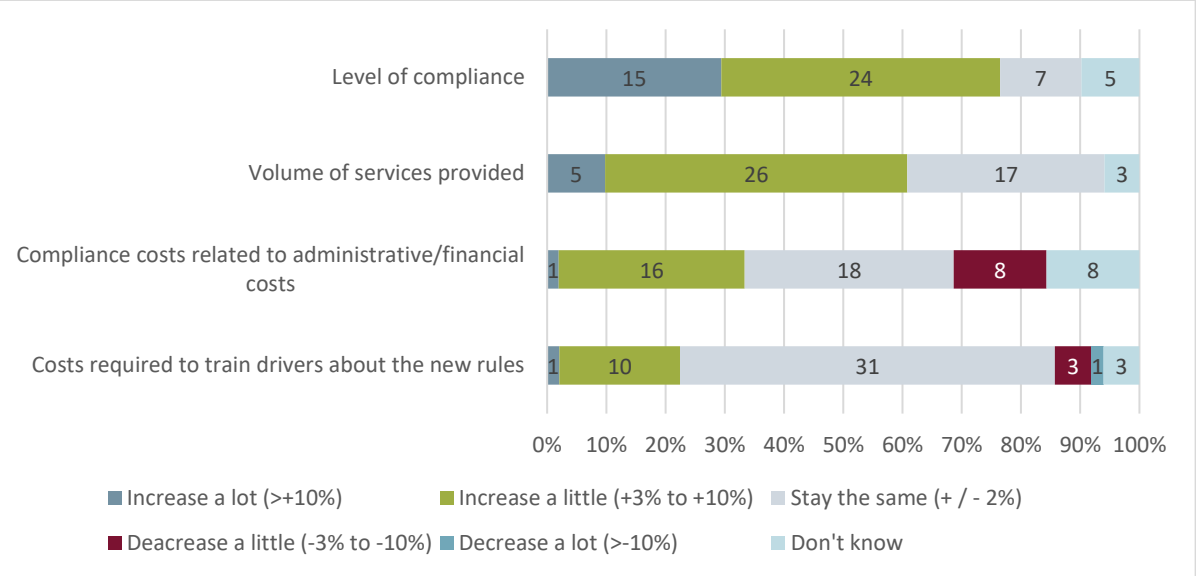
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 42 respondents

Bus operators and bus drivers were separately asked to assess one different impact each. Thus, 69% of bus operators largely agreed that break change 1 would imply no change for what concerns the number of bus drivers employed in the sector. All the bus drivers shared the same views with regards to the yearly turnover of their companies.

Similarly to the views expressed on break change 1, the majority of respondents expected the largest positive impacts of break change 2 to be on **general levels of compliance** and **compliance to costs**. Again, the impact on **training costs** seems to be negligible

(less than 50% of respondents could identify potential impacts), while a consistent share of 60% of respondents sees either no changes or even a little decrease in terms of **volume of services provided** (see **Figure 6.24**).

Figure 6.24: "Compared to the situation with the current rules, we would like you to estimate the impact that the proposed change (break change 2) would have on compliance, regulatory costs and business performance. Please select from the relevant responses" (1)



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 51 respondents

Again, bus operators and bus drivers were separately asked to assess one different impact each. Thus, 63% of bus operators largely agreed that break change 2 would imply no change for what concerns the number of bus drivers employed in the sector. Most bus drivers (67%) shared the same views with regards to the yearly turnover of their companies.

National public authorities were then given a specific question related to their role as enforcement bodies. This consultation revealed that public authorities expect break change 1 (which they did not explicitly favour but found as the most acceptable) to bring no change to or even significantly increase the amount of time/staff needed to enforce rules. Fines for non-compliance and expenditure on legal actions are similarly expected to either remain the same or increase a little. The general level of compliance is instead likely to stay the same or decrease a little.

6.5.2 Rest period changes

Six possible changes have been identified to make the organisation of rests during a trip more flexible. They are the following:

- Rest period change 1. Allow bus and coach drivers in domestic occasional carriage of passengers to use the "12-day derogation". The current rules only foresee this derogation for bus and coach drivers in international passenger services.

- Rest period change 2. Allow bus and coach drivers to deviate from a single service condition ("single trip") in domestic and international occasional carriage of passengers

- Rest period change 3. Remove the obligation of taking two regular weekly rest periods after using the "12-day derogation". The removal of this obligation would envisage the introduction of compensatory measures for drivers ensuring adequate rest.

- Rest period change 4. Allow bus and coach drivers on trips lasting 8 days and longer to postpone the start of the daily rest period by 1 h, provided that the total daily driving time on that day does not exceed 7 hours.

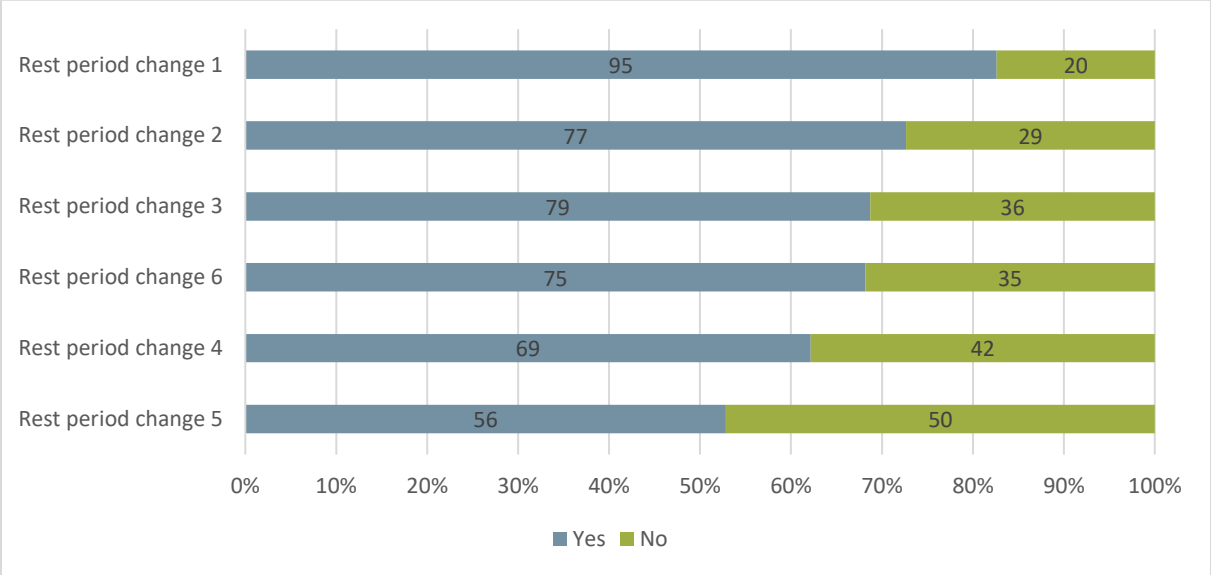
- Rest period change 5. Allow bus and coach drivers on trips lasting 8 days and longer to postpone the start of the daily rest period by 2 h, provided that the total daily driving time that day does not exceed 5 hours.

- Rest period change 6. Allow bus and coach drivers on trips lasting 8 days and longer to distribute their weekly rest periods in such a way that the average weekly rest is at least 45h over the period of 10 consecutive weeks, where the minimum duration of weekly rest every week cannot be less than 24h.

Preferred change

Public consultation participants (all but EU citizens) were firstly asked to indicate whether they thought any of these changes should be implemented. Results are presented below.

Figure 6.25: "Six possible changes have been identified to make the organisation of rests during a trip more flexible. Please indicate whether you think any of these changes should be implemented (NB: multiple possible changes can be picked) and explain your preference. If you do not favour any of the changes listed, you can propose a different idea, or state that the current rules should be maintained"



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 115 respondents

Figure 6.25 shows that all proposed rest changes are generally welcomed by most respondents, with rest period change 1 being by far the most wanted.

Twenty-one respondents indicated that none of the proposed rest period changes should be implemented. Nine of them (42.9%) deemed to retain the current rules as the best available option. Twelve of them (57.1%) instead proposed different changes. Ten of the twelve respondents who proposed different changes used the comment box at their

disposal to write about the need to "*keep the current regulation as it is, except for split rest time, which should be eliminated from the current rules*". The remaining two respondents, instead, explicitly demanded the abolition of the 12-day derogation "*for a small, pseudo-privileged group of drivers with a category D driving license and thus the return to the 6-day week, as stipulated by Regulation (EC) No 561/2006 of the European Parliament and Council*".

When examining the responses of different stakeholders' groups, what becomes evident is a general opposition towards any of the changes proposed by **public authorities** and (especially) **trade unions**. The table below show the variation of preferences across stakeholders' groups for rest period changes 1 to 6.

Table 6.3: Views on rest period changes 1 to 6 by stakeholder group

		Business associations	Companies	Self-employed drivers	Employed drivers	Trade unions	Public authorities
Rest change 1	Yes	10 (91%)	55 (96%)	25 (93%)	15 (94%)	1 (17%)	3 (30%)
	No	1 (9%)	2 (4%)	2 (7%)	1 (6%)	5 (83%)	7 (70%)
Rest change 2	Yes	7 (78%)	45 (85%)	18 (78%)	14 (93%)	0 (0%)	3 (30%)
	No	2 (22%)	8 (15%)	5 (22%)	1 (7%)	6 (100%)	7 (70%)
Rest change 3	Yes	9 (82%)	47 (82%)	22 (81%)	16 (100%)	0 (0%)	0 (0%)
	No	2 (18%)	10 (18%)	5 (19%)	0 (0%)	6 (100%)	10 (100%)
Rest change 4	Yes	7 (70%)	37 (67%)	16 (67%)	15 (94%)	0 (0%)	4 (40%)
	No	3 (30%)	18 (33%)	8 (33%)	1 (6%)	6 (100%)	6 (60%)
Rest change 5	Yes	5 (45%)	32 (62%)	11 (52%)	13 (81%)	0 (0%)	2 (20%)
	No	6 (55%)	20 (38%)	10 (48%)	3 (19%)	6 (100%)	8 (80%)
Rest change 6	Yes	7 (64%)	42 (79%)	17 (81%)	15 (94%)	0 (0%)	0 (0%)
	No	4 (36%)	11 (21%)	4 (19%)	1 (6%)	6 (100%)	10 (100%)

Source: Public consultation – Driving and rest time for bus and coach drivers

Respondents were then once again asked – for the remaining parts of this questionnaire – to answer in terms of their preferred (set of) change(s). In case they thought the existing rules should be retained, answers should have been given in terms of the proposed (set of) change(s) considered the most acceptable.

Compensatory measures

Asked whether they think that compensatory measures would be needed to prevent the deterioration of working conditions under their preferred (set of) change(s), views were mixed – as for each proposed rest period change around 50% of respondents did not see the need of introducing compensatory measures. Overall, between 38%-45% of respondents were of opposite views, and the remaining 7-10% did not take a position on the matter.

Likely impacts of preferred (set of) change(s)

Respondents were then requested to assess the likely impacts of their preferred rest period change(s) on different indicators as well as the overall impact. Respondents were invited to compile a package comprised of one or more measures on rest times, to answer the impact questions in terms of their preferred (set of) change(s).

Given the amount of potential combination of rest period changes that each respondent could choose from (i.e., a total of 63 packages), the analysis of responses has focused on the most popular combinations. This exercise revealed that 62 out of a total of 157 respondents (39.5%) were favouring the implementation of **all six changes proposed**. The second largest group of respondents – 13 respondents – opted for the combination of **rest period changes 1, 2, 3 and 6**. The table below shows the distribution of stakeholders' preferences across the six proposed changes (only options and combination of options that received at least one preference have been included).

Table 6.4: Distribution of stakeholders' preferences across (set of) rest period change(s)

Preferred (set of) change(s)	N of respondents	Share
Rest change 1, 2, 3, 4, 5 and 6	62	39.5%
Rest change 1, 2, 3 and 6	13	8.3%
Rest change 1	7	4.5%
Rest change 1 and 3	5	3.2%
Rest change 1, 3 and 5	5	3.2%
Rest change 1, 2, 3, 4 and 6	5	3.2%
Rest change 6	3	1.9%
Rest change 1, 2 and 6	3	1.9%
Rest change 1, 3 and 4	3	1.9%
Rest change 1, 3, 4 and 6	3	1.9%
Rest change 1, 2, 3, 4 and 5	3	1.9%
Rest change 1 and 4	2	1.3%
Rest change 2 and 4	2	1.3%
Rest change 1, 2, 3 and 4	2	1.3%
Rest change 1, 2, 4 and 5	2	1.3%
Rest change 1, 2, 3, 5 and 6	2	1.3%
Rest change 1, 2, 4, 5 and 6	2	1.3%
Rest change 1, 3, 4, 5 and 6	2	1.3%
Rest change 2	1	0.6%
Rest change 4 and 5	1	0.6%
Rest change 1, 2 and 3	1	0.6%
Rest change 1, 3 and 6	1	0.6%
Rest change 1, 2, 5 and 6	1	0.6%
Rest change 1, 3, 4 and 5	1	0.6%
Rest change 1, 4, 5 and 6	1	0.6%
Rest change 2, 4, 5 and 6	1	0.6%
Rest change 3, 4, 5 and 6	1	0.6%
TOT	***157***	***100%***

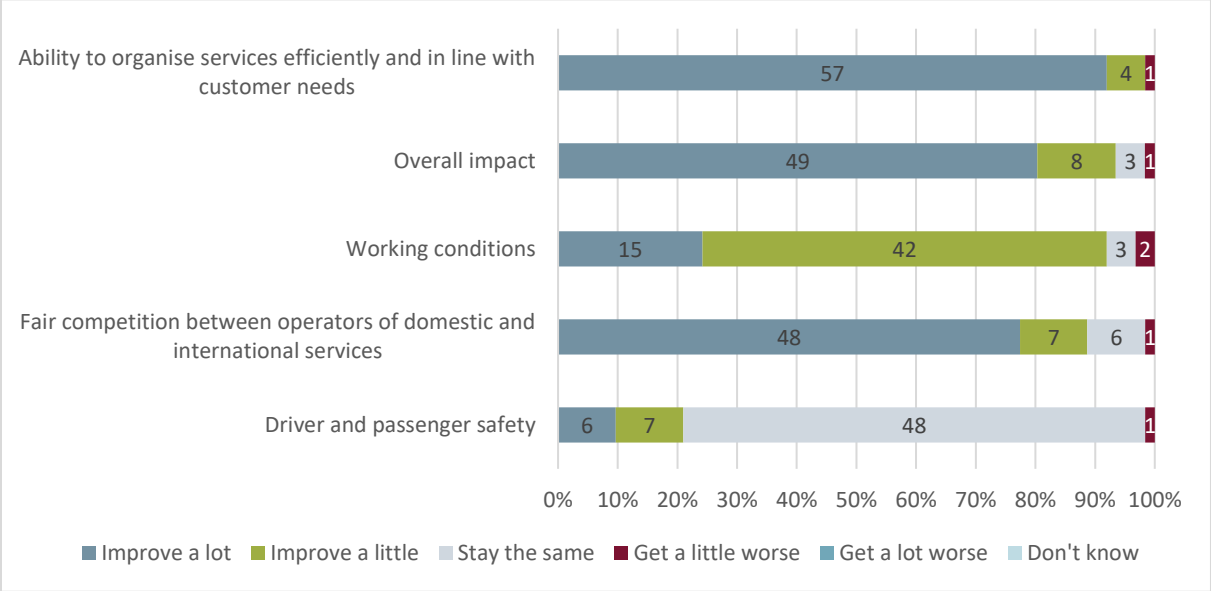
Before digging into the deemed likely impacts of the three most popular set of changes, it is useful to look at the characterisation of the three different groups of respondents. Most respondents favouring all the proposed changes were **companies** (64.5%), followed by **bus drivers** (25.8%) and **business associations** (9.7%). Among bus drivers, 11 (73.3%) were employed whereas 5 (26.6%) self-employed. Respondents who picked rest changes 1, 2, 3 and 6 were again for the most part **companies** (61.5%) and **bus drivers**

(30.8%), while the remaining preferences came from **business associations** (7.7%). In this case, among the bus drivers, three were self-employed and one employed bus drivers.

Importantly, the overwhelming majority of **trade unions** did not support any of the individual changes proposed. On the contrary, a solid majority of **bus drivers** (both employed and self-employed), **companies** and **business associations** supported each individual rest period change (with the exception of rest period change 5, where "only" 50% of business associations looked at it positively).

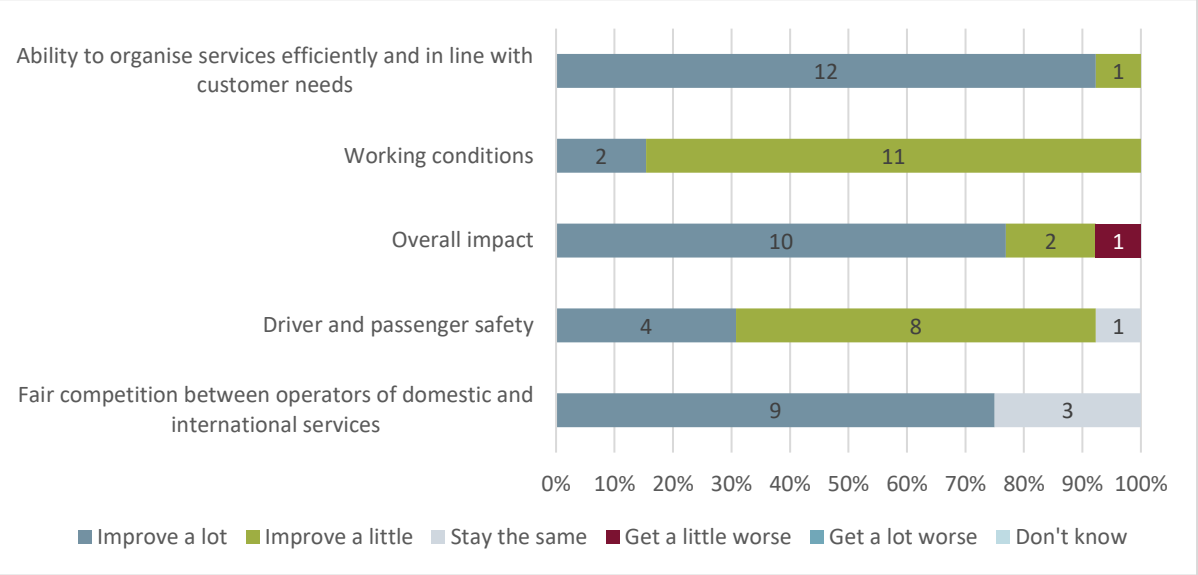
The figures below show the views of respondents on the potential impacts of the two preferred combinations of rest period changes on: drivers' working conditions; driver and passenger safety; the ability to organise services efficiently and in line with customer needs; the level of fair competition between operators of domestic and international services; and the overall impact compared to the current rules.

Figure 6.26: "What do you think would be the impact of the proposed (set of) change(s) compared to the current rules?" – Combination of rest period changes 1, 2, 3, 4, 5 and 6



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 62 respondents

Figure 6.27: "What do you think would be the impact of the proposed (set of) change(s) compared to the current rules?" – Combination of rest period changes 1, 2, 3, and 6



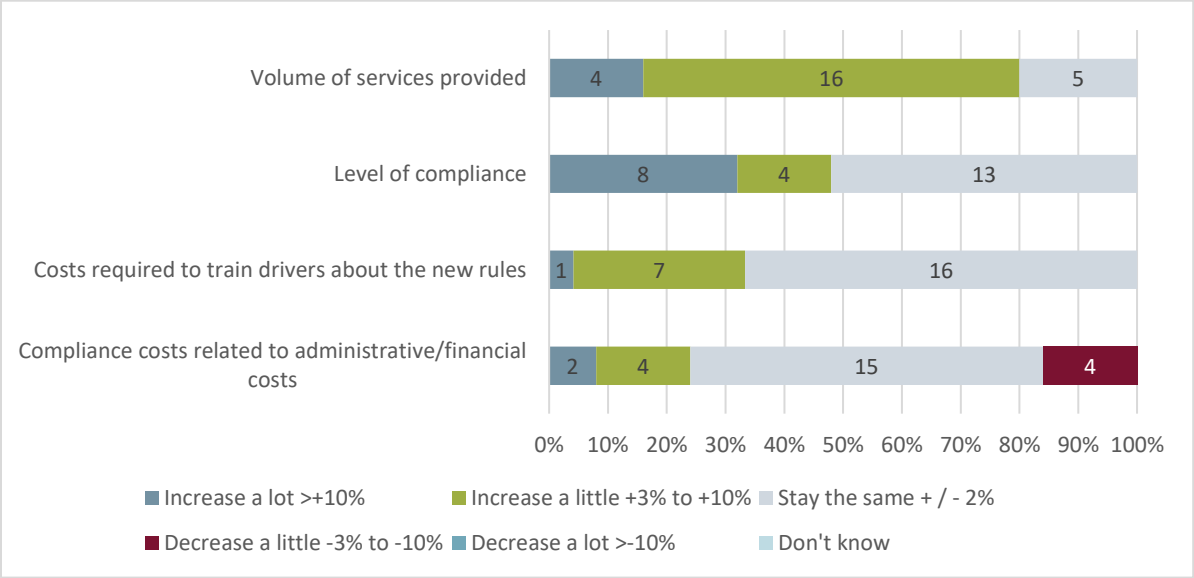
Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 13 respondents

As showed in **Figure 6.26**, the combination of **all rest period changes** is expected to bring overall significant positive impacts compared to current rules. For instance, nearly or even more than 90% of respondents believed that organisation of services, working conditions and the fair competition between operators are all going to improve with the implementation of all six changes proposed. In the case of the organisation of efficient services and the overall impacts, respectively 92% (57) and 80% (49) of respondents expected large improvements – while working conditions are rather expected to improve moderately. Drivers and passengers' safety, instead, should more or less remain unchanged as stated by 77% of respondents (48).

According to a consistent majority of respondents favouring **rest period changes 1, 2, 3 and 6** (**Figure 6.27**), the implementation of this set of changes is likely to considerably improve all relevant aspects of current rules (respondents considering this set of changes as bringing improvements ranged from a minimum of 75% to a maximum of 100%).

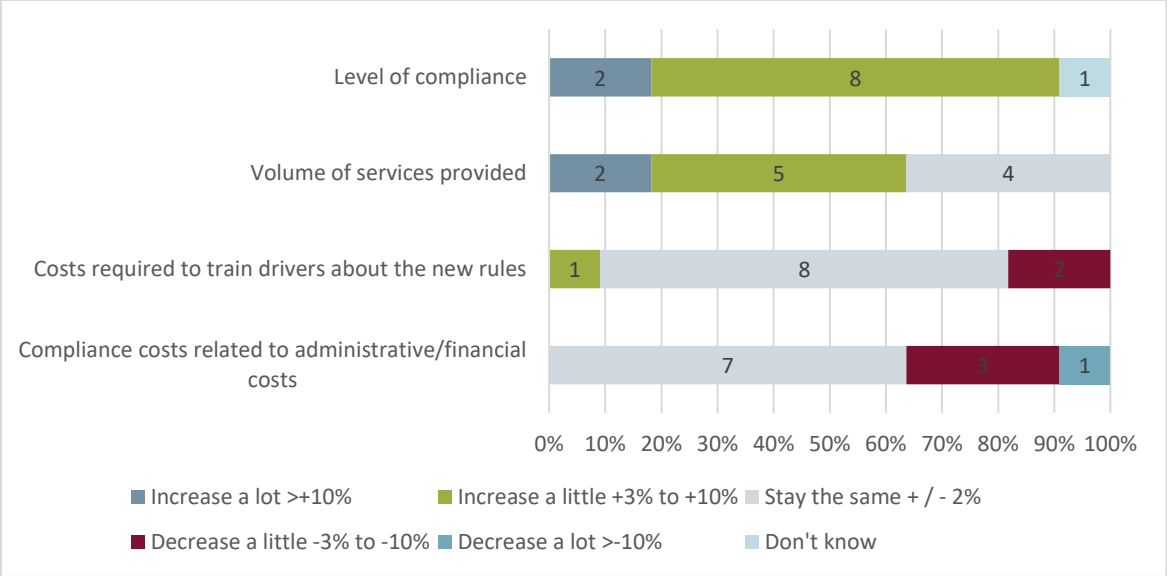
Then **bus and coach operators** and **bus and coach drivers** were asked to estimate the impact of the proposed change on a different set of indicators, namely: the overall level of legal compliance, the compliance costs related to administrative/financial costs, the costs required to train bus drivers in accordance with new rules and the volume of services provided. Results are provided in the figures below and are once again grouped according to the preferred change selected by respondents.

Figure 6.28: "Compared to the situation with the current rules, we would like you to estimate the impact that the proposed change would have on compliance, regulatory costs and business performance. Please select from the relevant responses" – Combination of rest period changes 1, 2, 3, 4, 5 and 6



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 25 respondents

Figure 6.29: "Compared to the situation with the current rules, we would like you to estimate the impact that the proposed change would have on compliance, regulatory costs and business performance. Please select from the relevant responses" – Combination of rest period changes 1, 2, 3 and 6



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 11 respondents

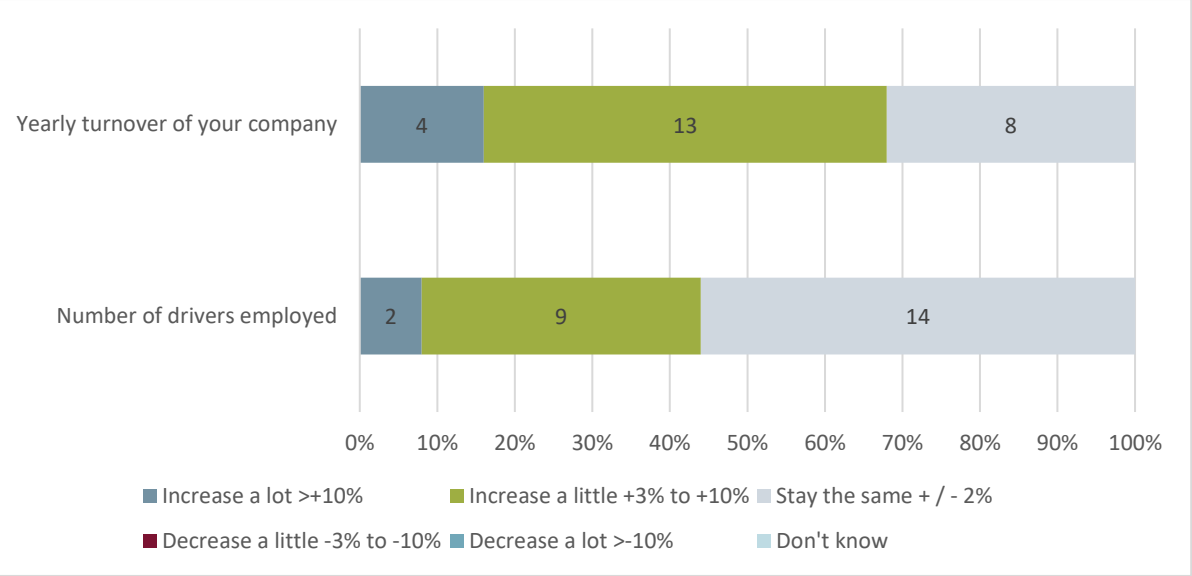
Companies and bus drivers who opted for the implementation of **all six rest period changes** seemed to agree that most benefits will impact the level of compliance (91% of respondents thought that it would increase to different degrees) and volume of services provided (80% of them could see the amount of trips increasing in the future – although to different extents). For the three remaining areas under analysis (i.e., level of

compliance, costs to train bus drivers, and compliance costs), a majority of respondents ranging from 52% (13) to 67% (16) were of the opinion that rest period changes would not produce any major effects.

For what concerns companies and bus drivers who picked the combination of **changes 1, 2, 3 and 6**, a large majority of them thought that they would first and foremost increase the level of legal compliance. 62% of respondents (7) could also see how these changes could benefit the volume of service provided. However, also in this case a significant majority of respondents were inclined to think that the costs of training bus drivers about the new rules and the compliance costs in general would stay the same.

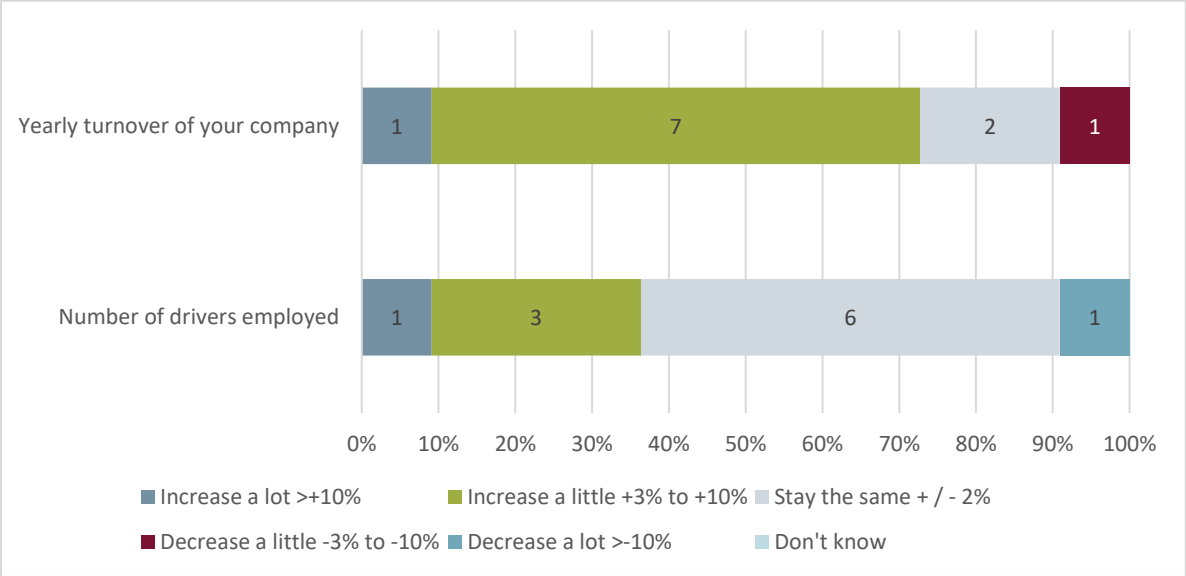
Bus operators and bus drivers (only self-employed ones) were separately asked to assess one different impact each. More in detail, the questionnaire aimed to gather views of bus operators on the magnitude of impacts of the six proposed changes on the amount of bus drivers employed in the sector. On the other side, self-employed bus drivers were asked to express their views on the likely impacts on the yearly turnover. Results are presented below.

Figure 6.30: "Compared to the situation with the current rules, we would like you to estimate the impact that the proposed change would have on compliance, regulatory costs and business performance. Please select from the relevant responses" – Combination of rest period changes 1, 2, 3, 4, 5 and 6



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 25 respondents

Figure 6.31: "Compared to the situation with the current rules, we would like you to estimate the impact that the proposed change (rest period change 2) would have on compliance, regulatory costs and business performance. Please select from the relevant responses" – Combination of rest period changes 1, 2, 3 and 6



Source: Public consultation – Driving and rest time for bus and coach drivers
Base: 11 respondents

According to the results above, bus operators who are inclined to see all the proposed changes implemented did not think that they would have a strong impact on the number of drivers employed in the sector. Most of these respondents (56%, 14) have indeed reported that – in view of these changes – the employment in the sector would stay roughly the same. On the contrary, bus operators believed that the combination of changes 1, 2, 3 and 6 would have a positive impact on the number of drivers employed in the sector. Most respondents (64%, 7) believed that in this scenario the employment in the sector would increase to different extents.

National public authorities were then confronted with a specific question related to their role as enforcement bodies. Although only three public authorities provided their response to the question, they expected the amount of time and staff needed to enforce new rules to either stay the same or increase. On the contrary, the level of compliance is believed to either stay the same or decrease. There seemed to be a wider agreement on the fact that the average number of yearly fines for non-compliance will slightly increase (2 out of three public authorities shared this view).

It should be noted that all three public authorities did not favour any of the changes listed (i.e., rest period change 1, 2, 3, 4, 5, or 6) but found rest period change 1 as the most acceptable.

6.6 Conclusion

To conclude, respondents were invited to express their views on current social rules in the passenger transport sector and on what changes they believed are needed to improve the provision of services in a post-COVID scenario, with an eye on working conditions and road safety.

The majority of respondents deemed current rules as beneficial in terms of work intensity and work-life balance. Similarly, current rules help keeping the levels of stress and fatigue for drivers under control ensuring thus road safety and rules compliance.

Current rules are however too rigid to cope with unexpected situations, deal with clients demands during trips and to overall provide high quality services. Current rules are also believed to not contribute to fair competition at all, since the 12-day derogation can only be used for international trips.

Consequently, a large share of respondents – with very different degrees across stakeholders' groups – were in favour of some sort of changes in terms of break and rest time rules.

Respondents were then presented with two possible changes identified to make the organisation of breaks during a trip more responsive to the needs of customers. **Break change 1** entails that occasional bus and coach drivers are allowed to split their break of minimum 45 minutes into 30 + 15 minutes[87] or 15 + 15 + 15 minutes; **break change 2**, instead, allows occasional bus and coach drivers to arrange and split in a fully open manner their break of minimum 45 minutes over the period of 4h30 driving time. Results are showed below. Undoubtedly, break change 1 was the most favoured potential change, as it still requires bus drivers to mandatorily take a sufficient break rather than shaping their breaks schedules completely on customers' needs.

According to a majority of respondents, break change 1 would allow to organise better services in line with customer needs but would also improve working conditions for bus drivers. Break change 1 would also facilitate compliance with administrative and financial costs to a certain extent. However, it would not increase the overall volume of services.

Moreover, six possible rest time changes were proposed to respondents. Rest period change 1 (which allow bus and coach drivers in domestic occasional carriage of passengers to use the "12-day derogation". The current rules only foresee this derogation for bus and coach drivers in international passenger services) was the most preferred single measures, although all proposed changes were favoured by a majority of respondents. Respondents were then invited to compile a package comprised of one or more measures on rest times, to answer the impact questions in terms of their preferred (set of) change(s). This exercise revealed that 62 out of a total of 157 respondents (39.5%) were favouring the implementation of **all six changes proposed**. Overall, the combination of **all rest period changes** is expected to bring significant positive impacts compared to current rules. For instance, nearly or even more than 90% of respondents believed that organisation of services, working conditions and the fair competition between operators are all going to improve with the implementation of all six changes proposed. The package of six changes was also expected to benefit the both the overall level of compliance and the volume of services provided.

[87] Note that under the current rules splitting the break into 15 + 30 minutes is already allowed.

7. Thematic case studies

7.1 Case study 1- small bus operators

7.1.1 Case study summary and conclusions

The objective of this case study is to provide a high-level characterisation of the specific needs of occasional bus and coach transport operators in Member States highly dependent on tourism. The concrete focus has relied on a well-known touristic destination – Portugal – which is therefore particularly vulnerable to fluctuant seasonality and may be regarded as a small market[88], further affected by its peripherical location.

For this purpose, the study team has carried out two targeted interviews, both representing essentially the viewpoint of operators on the suitability of the driving rules for the bus and coach ecosystem. Considering the lack of detailed information about the specific case of small-size companies, the testimonials are complemented by data collected in the frame of the public consultation (PC). The key takeaways from this case study can be found below:

- *Market size:* there is no detailed information that could help to shape the profile of small companies in Portugal. Nonetheless, it is important to note that more than 2/3 of the responses from the public consultation (PC) (108 out of 158) were provided by micro or small companies.

- *Key features and trends:* according to the interviewees, the majority of the coach services in Portugal are domestic. The main international routes are performed within the corridor Portugal-Spain-France-Switzerland. However, international services represent a residual share (which can be confirmed by the data presented in the main report of this study).

- *COVID-19 impacts:* both interviewees and PC findings confirm that smaller companies are much more dependent on occasional services than medium or large-size companies, the latter being characterised for running different types of services simultaneously. Even if the Portuguese government has put aside some measures to reallocate coach services to minimise the economic impact of the pandemic on coach companies, this trait makes them more vulnerable to the impacts of the pandemics than large-size companies.

- *Working conditions and economic aspects:* according to the small and micro-sized companies that participated in the PC, the current rules contribute for a good life-balance for workers. The same data source also confirms that the current rules favour small and micro companies, as they are easy to comply with and facilitate an efficient organisation of coach operations and consequently a good service provision. However, there seems to be no agreement on this point, as the interviewees consider that small-size employers have more difficulties to manage human resources and replace drivers who have drove the maximum number of hours.

- *Problems related to the rules on break times:* according to the PC, small and medium size companies are happier with the current set of rules. They are also paradoxically more in favour of targeted small changes. One of such chances concerns break time rules as there is strong agreement in favour of introducing a

[88] According to the market characterisation carried out as part of the desk research, the occasional domestic services of bus and coaches in Portugal represented only 2.8% of the overall number of national road transport passengers in 2017.

measure that allows drivers to split their break of minimum 45 minutes into 30 + 15 or 15 + 15 + 15 minutes (representatives from larger companies tend also to agree with this measure, although to a lesser extent).

- *Problems related to the rules on rest periods:* according to the PC, only a small fraction of small companies' representatives (4%, 2 out of 46) agree that current rest time rules should be kept as they are on Regulation (EC) No 561/2006. The rigidity of the rules is perceived to have a negative impact on productivity and on service quality. In general, small and micro companies tend to agree with all the changes suggested in the present initiative. Nonetheless, the measure that gathers more consensus among small companies (and that is also perceived as positive by larger companies) is definitely the 12-day derogation[89].

7.1.2 Introduction

This case study is inserted in the impact assessment for a possible revision of the occasional bus and coach drivers' regulation. As this sub-sector has specific characteristics with great dependency on tourism, it makes sense to assess if there is a need for a change that meets the needs of small companies and self-employed drivers. Indeed, while all desk research sources consulted in the frame of this study confirm that the regulatory framework introduced by Regulation (EC) No 561/2006 have had a positive effect on road safety and working conditions of the drivers, small companies and self-employed drivers working in highly seasonable environments may be particularly disadvantaged by the rigidity of some rules, particularly those related with rest periods.

The geographical scope of this case study is Portugal, an EU Member State that is situated in the periphery of the continent and has great tourism activity. In 2019, travel and tourism accounted for 16.5% of total economy[90]. The targeted country was selected for being a highly touristic country with the purpose of being able to collect and analyse sufficiently on the experiences of companies in this market segment, particularly those that are small or that are comprised by self-employed drivers.

For this purpose, the study team has carried out two targeted interviews. The first interviewee was the secretary-general of the national association of passengers on road transport. Due to the lack of information from the specific market of the coach sector in Portugal, she has recommended that the team could organise a second interview, which was held with a representative from the legal department of the Portuguese bus and coach companies' association who would be in a better position to inform about the impact of Regulation (EC) No 561/2006 in small companies based in Portugal.

The main aim of the interviews was to get insight on the specific needs and pitfalls raised by small-size operators and to get feedback on the expected impacts of the possible revisions that are under review. These two institutions were earmarked to provide elements for discussion as they have several associates that operate in the occasional transport sector and could help to identify small size companies which could be further consulted. However, it is important to note that none of the interviews were able to provide an up-to-date characterisation of the sub-sector and showed very few knowledge about the reality of small companies that could help to shape a full picture of these.

[89] Stakeholders interviewed call for measures that are more ambitious than the policy measures proposed and consider, for instance, that the possibility to postpone the start of the daily rest period by 1h provided that drivers do not drive more than 7 hours should be applicable to all services, regardless of the number of days. They have advocated that these measures would be particularly relevant for small companies, since less human resources would then be needed.

[90] TRAVEL & TOURISM: GLOBAL ECONOMIC IMPACT & TRENDS 2020, World Travel & Tourism Council | Global Economic Impact Trends 2020.pdf (wttc.org)

Indeed, the interviewees shared with the team a comprehensive study with a full diagnose of the public transport sector, including the occasional sector in Portugal, and setting out strategies for the competitiveness of the sector. This document, however, was published in 2002 and was therefore of little use for providing a rigorous evidence base to inform our Impact Assessment.

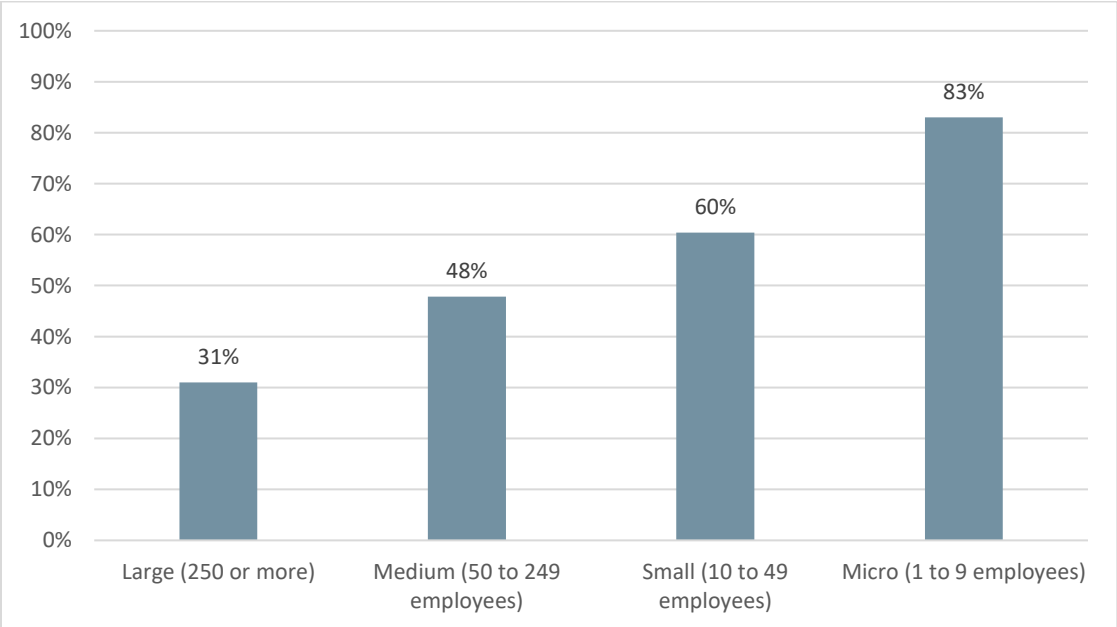
To overcome this barrier related with the lack of in-depth information that is specific to this target group, the case study also draws on other evidence sources, notably the PC[91]. The integration of these complementary methods allows to enhance our understanding about the specific legal elements that are relevant for small-size coach companies.

7.1.3 Context

According to the data collected in the main report and derived from the PRIMES-TREMOVE, the sector of occasional bus and coach transport has a residual market share when comparing to other type of bus and coach services, such as regular services, accounting only to 3.31% of the overall number of passengers. These figures are slightly higher in touristic countries such as in Portugal, where the market share of occasional coach transport services accounts to 3.9% of the overall national sector in 2019. In terms of activity flow, the sub-sector of coach services is mainly characterised for being extremely seasonal and dependent on the tourism activity.

As the focus of this case study lies on small-size companies, it is important to draw attention to data collected by the European Transport Workers Association (ETF), showing that 44% of drivers in Europe work for a micro or small company (i.e. with less than 51 employees). These figures represent only ETF affiliates and may therefore be not taking fully into account self-employed drivers, whose number might be underestimated in the sample. The PC has instead highlighted how significant occasional services are for small (and micro) companies in terms of turnover (see figure below).

Figure 7.1: Percentage of turnover in 2019 related to occasional bus and coach services (%) by size class



Source: public consultation, October 2021 – February 2022.
Base: 83 respondents

[91] The public consultation has received information from small-size companies although none come from Portugal.

The PC has collected information from 108 representatives of micro or small companies and gathered only 50 responses from medium and large-size companies. However, it was not possible to confirm the market breakdown per company size during the targeted interviews. Nonetheless, interviewees have confirmed that the main services that this sector provides in Portugal correspond to one-day trips, excursions to events (such as festivals or sport games), as well as tourist trips to cultural places and monuments. In terms of market share, they have mentioned that most of the activity refers to domestic trips, while the share of international services can be regarded as marginal. They have also outlined that coach buses in Portugal offer, on average, 50 seated places.

According to the testimonial of the interviewees, since tourism and leisure is one of the fundamental activities that trigger occasional coach services, bus operations mainly compete with individual transport and airplane, as the rail network in Portugal is not very suited to provide a convenient response to tourists needs.

It was also acknowledged by the interviewees that the COVID-19 pandemic had a great impact on this sub-sector, as "it stopped completely and it still recovering". This finding is consistent with the report from DG REGIO which shows a sharp decline of tourism in Portugal due to the COVID-19 outbreak in a country that has reached top positions in the world's travel and tourism market[92] in recent years.

Although the impact of COVID-19 on smaller companies could not be fleshed out more significantly, it is important to show how the sector has responded to the crisis in peripheral countries highly dependent on tourism. To this respect, the interviewees have noted that the Portuguese Government called on the Portuguese bus market to urgently make available necessary equipment, rolling stock and vehicles that could reinforce key regularly scheduled public transport services as the restrictions on vehicle capacity due to social distancing measures has required additional manpower and vehicles. This solution allowed to minimise the number of companies that entered bankruptcy and the number of subsidised companies and drivers, whilst guaranteeing an economic and financial equilibrium for small companies that protect the public interest and the drivers themselves[93].

> "There are 300 touristic buses in the Metropolitan Area of Lisbon that could be used to reinforce the urban train, subway and urban buses, whilst in the Metropolitan Area of Porto there are 150 to 200 buses which have completely stopped after the COVID-19 outbreak and can also be reallocated to regular services. This will allow to bring about 400 drivers, which are at home in lay-off and receiving only 2/3 of their wage back to operations. (*President of the national association of passengers on road transport*)

Arguably, it is possible to assume that these measures have had a stronger impact on smaller companies, as the PC confirms that 71% of services provided by micro and small companies are dependent on occasional services that were forced to stop with COVID-19, a much higher share than the one featured by medium and large companies, for which only 41% of services are dependent on occasional services. This statistic clearly shows that smaller companies are much more vulnerable as they do not have other business revenues to rely on in case of any disruptive event, such as the one introduced by the pandemics[94].

[92] European Commission, the impact of the COVID-19 outbreak on the tourism and travel sectors in Portugal, 2021, The https://www.portugal2020.pt/wp-content/uploads/ccosta_for_ec.covid-19.report_txt.final_.pdf

[93] Observador, Covid-19. Ministro do Ambiente reitera segurança no uso dos transportes públicos, 2020, https://observador.pt/2020/11/04/covid-19-ministro-do-ambiente-reitera-seguranca-no-uso-dos-transportes-publicos/

[94] This business uncertainty may lead to a deterioration of the working conditions of drivers. This can be confirmed by the fact that, according to the results of the PC, all drivers working for medium and

7.1.4 Problems associated with existing legislation

This case study identifies several problems related to the current legislation. First of all, interviewees have reported that current rules steamed from Regulation (EC) No 561/2006 are in general too rigid, negatively affecting small or large companies alike. In their opinion, small-size employers may need to struggle a little bit more with human resource management and staff allocation as they might not have another driver to replace the one who has drove the maximum number of hours. If a second driver is not available, the immediate consequence might be a change of the tour services plan, a situation that should be prevented according to the stakeholders interviewed in the frame of this case study as it leads to a poor customer-service experience.

"The client does not understand these rest periods. And we must bear in mind that occasional services are very unpredictable because they are depended on the activities of the tourists and the duration of the events. Hence, often the solution from the companies and drivers to cope with the rigid rules of occasional is not to comply at all" (*Secretary-general of the national association of passengers on road transport*)

One of the problems raised by the stakeholders with whom the team directly engaged in Portugal concerns compliance, which is rendered more difficult as a result of the level of inadequacy to the service needs and may be impacting particularly smaller companies. There is however no detailed information about how often coach companies are fined as a result of infringements to the rest rules.

According to the stakeholders consulted during the interviews, there are in fact high penalties in Portugal for non-compliance and road-side inspections are very regular (even if less frequent among the occasional transport sub-sector). In fact, case study interviewees highlighted that penalties are higher in Portugal than in Spain or France. Also, there was an understanding that there is a lack of common and shared knowledge from the part of authorities with regard to specifications of the legislation, namely with regard to the 12-day derogation. As such, it was argued that control officers from different Member States do not often apply the enforcement mechanisms uniformly[95].

It was also mentioned by the interviewees that smaller bus and coach companies are more prone to find difficulties in compliance. This is due to the fact that, according to the interviewees and their working experience, smaller companies tend to dedicate to single services, whilst larger companies have the ability to run different types of services simultaneously, allocating drivers to these different services, a feature that has been corroborated by the results from the PC we have made mention to above.

"Sometimes drivers of large bus companies perform different types of services (regular, specialised regular or occasional services) in the same shift and this makes very hard to comply with the tachograph. The same does not happen in smaller companies because they do not have so many permanent and regular services in their portfolio" (*Secretary-general of the national association of passengers on road transport*)

When referring to the practical differences related with the application of the 12-day derogation, the stakeholders consulted in the interviews have made a point saying that it

large companies have a permanent contractual relationship with the company, whilst we can find nearly 10% of drivers employed for small and micro coach companies with a temporary contract.

[95] It was said that the different enforcement of compliance is also felt in terms of paying, for instance in Spain when a fine is issued it has to be paid in the spot while in Portugal there is a deadline and there is a possibility for revoking it. This underlying problem is triggering several EU research projects in the context of the new Horizon Europe projects such as CORTE 2: https://www.iru.org/news-resources/newsroom/iru-eager-start-work-most-important-eu-project-enforcement-mobility-package-1.

is not well justified the reason why a driver can extend the period of working days by simply crossing a border. This was felt particularly unviable for coach companies based in small countries such as Portugal.

Another interconnected problem raised by the interviewees concerns the single service condition. Their opinion is that this restriction should be removed to raise the competitiveness of the coach industry and to increase the modal share of the sub-sector against its main competitors (private vehicle and airplanes).

> "For instance, if there is a one-way service from Portugal to France or Switzerland, the driver is not able to bring another service back, while if it was the same service, he would be allowed to drive them back because that would be considered a single service. This limitation impends multimodal synergies (in that scenario, passengers could stay for a period in the final destination and return back later to Portugal by airplane while the bus driver would bring another group that was performing the opposite journey) (*Legal representative of the Portuguese bus and coach companies' association*)

7.1.5 Expected impacts of the policy options on the market segment

In terms of expected impacts of the policy options for small coach companies operating in peripheral countries, one can conclude that less rigid rules concerning the rest periods would have a positive impact on the competitiveness of the companies. This is particularly important as the sector faces a downward market trend[96], which was exacerbated by the pandemics.

Although it was not directly mentioned during the interviews, a vibrant and competitive market might also represent more working opportunities for drivers, benefiting in particular self-employed drivers and small companies that have a more familiar management background and may be less resilient to external shocks such as the ones brought by COVID-19.

In general, the **stakeholders interviewed** call for further exemptions beyond the policy measures proposed. They think that derogations such as the ones that allow drivers to postpone the start of the daily rest period by 1h provided that they do not drive more than 7 hours should be applicable to all services, regardless of the number of days. In short, they advocate that this possibility could be applicable to one-day tours, for instance, since the same driver could finish a tour himself without the need to employ a second driver. This would be particularly relevant for small companies, they have said, since less human resources would then be needed.

The stakeholders consulted argued that 12-day derogation would be important for the coach sector in Portugal, particularly the one composed by smaller companies, to become more competitive in long-distance journeys (against the private vehicle and airplane which are the most common options for holidays in Portugal) and to allow a better human resources management. This measure could be introduced in tandem with the removal of the single service condition, as it is foreseen in the PO related with the restricted postponement of weekly rest periods. Even if this measure could have a profound effect among companies which have a smaller pool of drivers available, it is important to make a caveat to indicate that this argument was not completely justified. Indeed, even if the merit of the measure is clear for regularly scheduled and long-distance bus services, it remained uncertain how this removal could beneficiate occasional touristic tours as they

[96] The methodological note produced by the study team as part of the interim report showed that the overall number of occasional bus and coach passengers in Portugal has been steadily decreasing since 2017 (14,501 passengers in 2017, 12,073 passengers in 2018 and 10,352 passengers in 2019, only 4.5% of which involved in international services). The data source for these figures was United Nations Economic Commission for Europe.

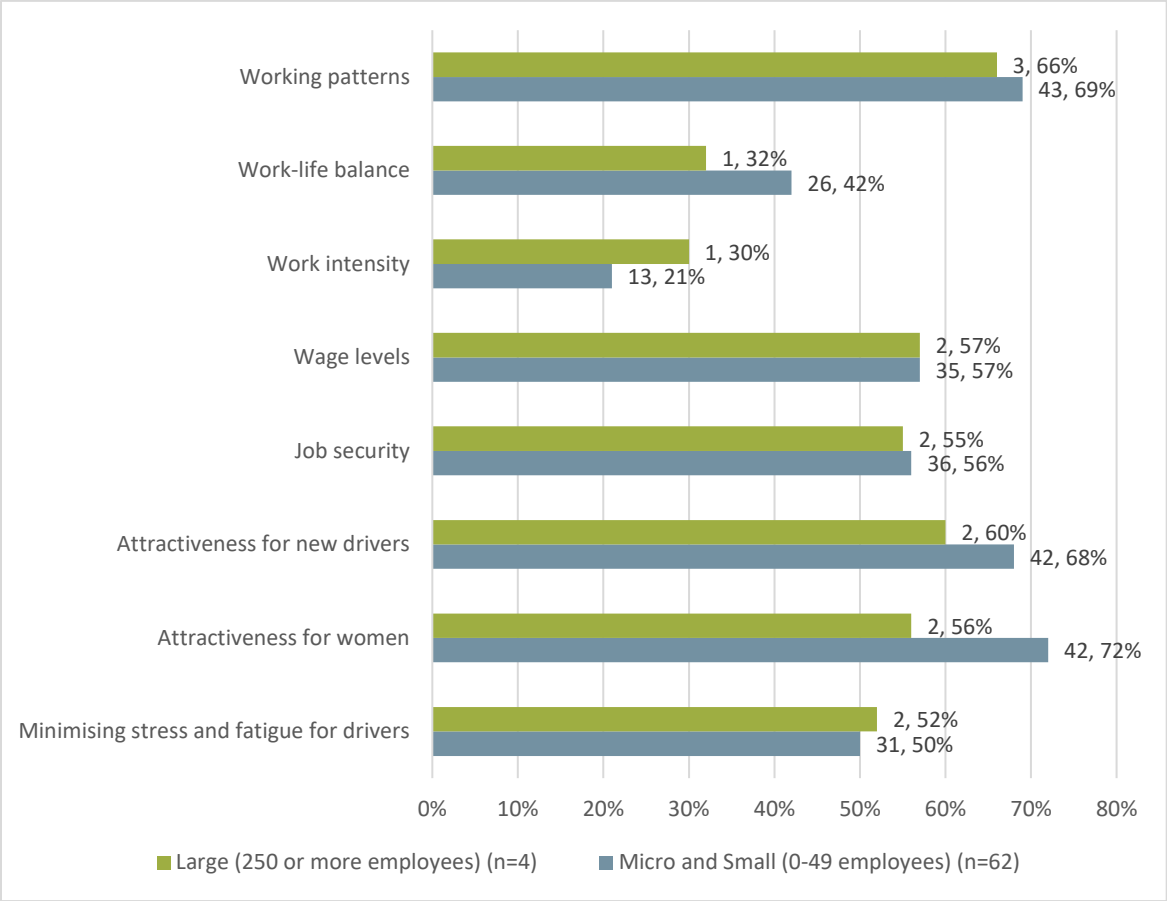
tend to transport the same group of people and finalise in the same city where the journey has started.

In terms of break times, one of the stakeholders supported the complete flexibilization of break periods over the period of 4h30 driving time highlighting the need to transfer part of the onus of managing the driver working times to the driver himself. The reasoning behind is the fact that only the driver knows and understands if it is feeling tired or fit to drive. Once again, this argument is not directly influencing smaller companies or those located in more peripheral countries that are highly dependent on tourism. It rather corresponds to an overarching statement that seems to affect all bus and coach companies alike[97].

The **public consultation** provides more detailed information on the singularity of small-size companies. According to the figure below, current rules contribute in general to a good working environment for drivers who currently are employed in the sector. It does not however cater for attractive working conditions for new drivers, especially women. The main takeaway at this respect is that the current rules contribute for a good life-balance particularly among drivers that work in small or micro-sized companies.

[97] Another global suggestion that has been made by one of the interviewees concerns a suggestion to differentiate the rules between day trips and night trips. Although no relevant differences among small bus and coach companies could be devised, it was argued that when a driver makes a trip during the night, he may feel more exhausted and that the legislation in place should have this into account. In practical terms, this suggestion might be materialised by restricting the applicability of some policy measures in certain conditions. For instance, allowing drivers involved in services lasting at least 8 days to postpone the start of the daily rest period by 1h provided that they do not drive more than 7 hours and additionally limiting this option to services that are mainly performed during day-time periods.

Figure 7.2: Social impacts of current rules, micro and small companies vs large companies



Source: public consultation, October 2021 – February 2022.
Base: 66 respondents

On economic aspects, there are contrasting views in this area between small and large companies, with the smaller undertakings perceiving the current rules as very favourable for providing high-quality services, responding to client demands, coping with unexpected situations – for instance those related with unforeseen traffic disturbance – and dealing with trips organised at night, whereas all these features have been negatively appreciated by representatives of larger companies. However, there is consensus among all companies, regardless of their size, in confirming that current rules do not promote a fair competition between domestic and international services.

Although **small coach companies** are in general happier with the current rules, assessing their impact as globally very positive for economic wellbeing and particularly to the social working conditions of the sector, they **are also more prone to the introduction of targeted changes** to the break and rest time rules. Indeed, smaller companies tend to be more favourable to the introduction of new rules on breaks and rest periods when compared to larger companies.

When analysing the new policy options more in detail, it becomes evident that there is a need to introduce new break time rules, adopting the measure that allows drivers to split their break of minimum 45 minutes into 30 + 15 or 15 + 15 + 15 minutes. More flexible break time rules do not gather enough traction neither among small nor large companies.

As for rest time rules, all options are perceived positively by small companies (see figure below). However, the only measure that is regarded as positively influencing the sector regardless of the company size is the 12-day derogation, even if stakeholders do not

provide quantitative information about the perceived impact of these legislative changes. As a result, specific quantitative details that could help the team to inform about the magnitude of introducing these changes is missing and therefore could not be identified in table 2 presented further below.

Figure 7.3: Agreement of small vs large companies towards rest time changes

Source: public consultation, October 2021 – February 2022.
Base: 66 respondents

Table 7.1: Summary of impacts on the market segment compared to occasional bus and coach sector as a whole

	Economic impacts	Social impacts	Environmental impacts
Break times	The option that allows for regular breaks of 15+15+15 is perceived to contribute positively for managing customer demands and unexpected driving situations	No relevant social impacts linked to break time rules were found that impact on small coach companies	No relevant social impacts linked to break time rules were found that impact on small coach companies
Rest periods	The extension of the 12-day derogation is particularly relevant in countries such as Portugal, where the share of domestic services is high. However, it would lead to few impacts per se if it is not backed up by the single trip and the removal of the obligation of taking two regular weekly rest periods after using the "12-day rule"	Advocators of the 12-day rule extension to domestic services argued that there is little evidence that the risks entailed in long domestic services (working environment, safety) are higher than the ones involved in international journeys	Although of marginal impact as these services are a niche product, the removal of the single service condition in particular could favour the selection of coach services for international or long-distance journeys in countries with poor international rail connections such as Portugal. A group could be driven to Switzerland and return by plane (or the other way around), instead of relying on plane in both directions. This option is more environmental-friendly than relying on private vehicles or planes

7.2 Case study 2 – large EU-wide bus and coach operators

7.2.1 Case study summary and conclusions

This case study looks at large operators in the occasional passenger services market, meaning companies with more than 250 employees. There are relatively few such companies, and therefore the scope is to include evidence from any company large enough in the EU.

There are a few points in this case study about the larger companies operating occasional services. The main takeaway is that **very few large companies operate primarily occasional services**, and most large companies who do any occasional services still get a majority of their revenue from operating regularly scheduled services, such as public transport services. According to both available data and interview sources, larger companies do seem to have relatively easy time coping with the driving and rest time rules, as they have more people to fill in for drivers who need to take their long rest breaks after an international trip under the 12-day derogation rules.

The implications of these findings are that any **benefits to companies due to potential changes of the rules is going to be muted for large operators**. Companies who mostly conduct regularly scheduled services are more likely to be concerned about any unintended spill over effects into the regularly scheduled services, which are supposed to be exempt from the EU regulation on driving and rest time rules and would make the regularly scheduled services more difficult to organise.

While data specific to the occasional services of large companies is sparse, mainly due to the small number of companies involved, the available information indicates that large companies are less motivated to demand rule change. Logically, if large companies gain a competitive advantage due to their ability to cope with the current rules, there also would exist a financial incentive to leave the rules in place. To summarise, when considering the impact on large companies of changing or keeping the driving and rest time rules, the following points should be kept in mind:

- Large transport operators are primarily involved in regular services and is therefore less dependent on being as efficient as possible in the occasional transport sector.

- Large companies are primarily involved in providing regular services and are therefore more concerned with problems of coordinating between the separate sets of regulation (the 561/2006 and national regulation). There is already some spill over, making drivers on public transport bus lines over 50km work under separate sets of regulation from their colleagues driving shorter bus lines.

- Larger transport companies with a relatively high degree of occasional services have an easier time utilising their coaches, leading to less downtime per coach and better financial performance.

7.2.2 Introduction

This case study assessed the current situation and impacts of future changes for large occasional passenger transport companies, meaning businesses with over 250 employees, operating internationally in the EU. As detailed below, these companies are quite rare. Due to this, the participation of such companies in the data collection was fairly limited: only two of the interviews conducted for the targeted consultation were large companies, both of which primarily operated in regular services. Five of the respondents to the open public consultation were also large companies, and these were also primarily involved in providing regular passenger services.

Therefore, two secondary interviews were conducted, one with a large company involved in primarily occasional transport services, as well as a shorter scoping interview with the main trade association for the coach transport sector on European level.

7.2.3 Context

An initial distinction that is necessary to make is between two types of large companies involved in the passenger transport sector. The most common one is the large undertaking that *primarily conducts regularly scheduled services* (for instance public transport services or scheduled international travel buses), but that also conducts a certain amount of occasional services. The other type of larger operator would be a company that primarily organises coach tours. This second type of company is very rare; among all the coach companies in Europe who are members of the main business association, only two companies who primarily provide occasional transport services have more than 250 employees. Indeed, of the two large companies interviewed for the study, one was a Swedish company that conducted about 95% regular services, and the other was a Spanish company for which about 80% of business was for regular services. The issues with estimating market share and activity in terms of passengers/km for instance, is therefore exacerbated for the large companies, as they are to a greater degree also involved in the regular services.

An important point to note is that different rules apply to the types of services conducted by large companies. According to article 3a of the 561/2006 Regulation on Driving and Rest Time rules, any regularly scheduled service carrying passengers is exempt from the rules, provided that the route does not exceed 50 km. A concern for larger companies is therefore how to handle any routes that are more than 50 km, as it leads to different rules for the same employees, depending on which route they are taking.

The best available data to look at the occasional transport sector and comparing by size is a dataset over the Dutch coach sector. In the table below the companies have been divided into groups of "large" and "small/medium". Due to the lack of numbers on drivers, the predictor for company size is instead based on the number of coaches that the company uses. The large companies are defined as companies with more than 70 coaches, and the small/medium ones have fewer than 70. This definition allows us to compare *relatively large companies to smaller ones.* It is not necessarily the case that these companies have more than 250 employees (as the definition of large company states), but it gives an indication of differences among smaller and larger companies.

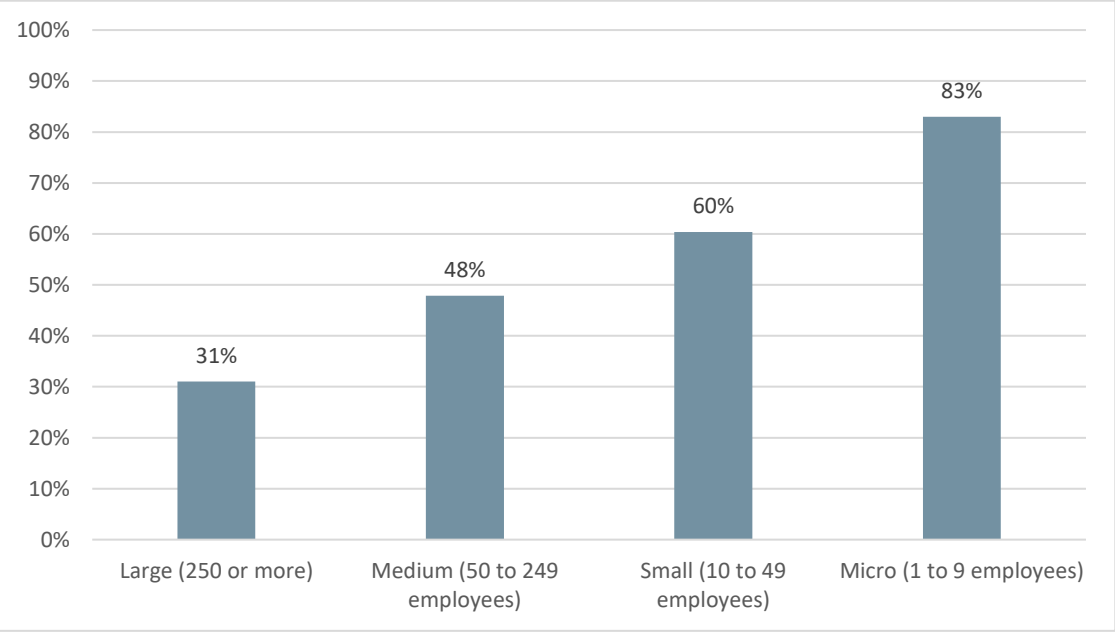
Below is an overview of table of which types of services provide the main source of income for the two size classes of companies. **As the targeted interviews (see annex 3 above) also showed, the larger companies rely to larger extent on providing public transport services compared to the smaller companies. Additionally, large companies earn a more important share of their overall revenue from shuttle and international scheduled services**. Similar evidence is found in the public consultation carried out for the impact assessment, where larger companies stated that they earn a lower percentage of their total revenue from providing occasional services, as seen in Figure 7.4.

Table 7.2: Turnover by type of services by size class, 2020, the Netherlands

Turnover by type of services by size class, 2019	Small/medium	Large
Average turnover from regular services (school/company transport)	29%	11%
Public scheduled services	11%	49%
Day trips*	45%	19%
Multi-day trips*	11%	9%
Shuttle and international scheduled services*	4%	13%
Total	100%	100%

Source: Kerncijfers 2019 van het Nederlandse touringcarvervoer (Panteia, 2021), authors own calculations.
** Occasional transport service*

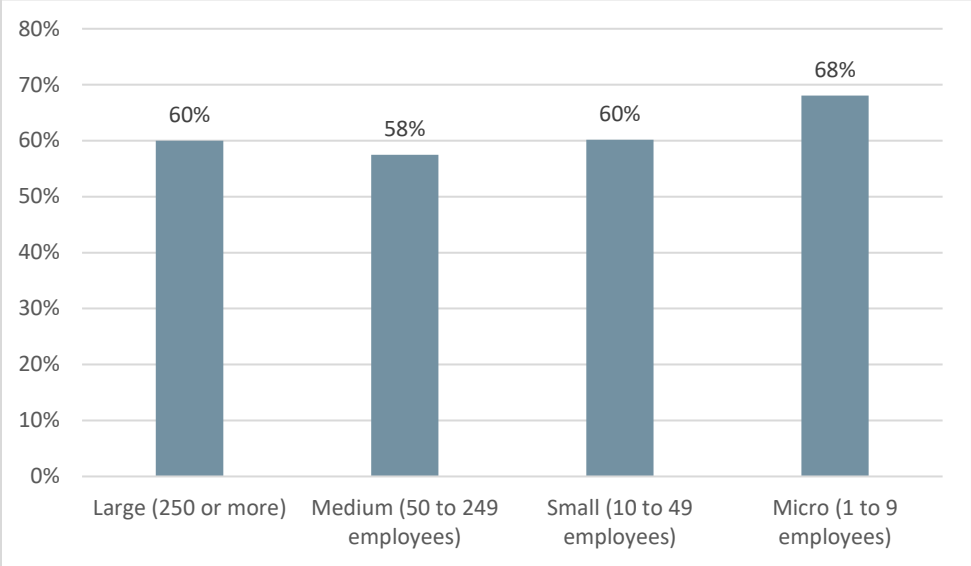
Figure 7.4: Percentage of turnover in 2019 related to occasional bus and coach services (%) by size class



Source: public consultation, October 2021 – February 2022.
Base: 83 respondents

Looking into the data gathered from the public consultation, we see a continuation of this same pattern. In Figure 7.5, we see that size does not affect how much of the company services are dependent on seasonality. We see that micro companies are slightly more sensitive to seasonality (68% of services depend on season) while large companies state that 60% of services are seasonal, which is comparable to both small and medium sized businesses.

Figure 7.5: Percentage of services that are seasonal (%), by size class



Source: public consultation, October 2021 – February 2022.
Base: 83 respondents

This seasonality could be attributed to a company being more or less dependent on occasional services, since a peak-season would be the time where the most tourists are present, and occasional services being understood as a form of touristic service. However, according to the data gathered, despite all sizes of companies stating that a slight majority of services are seasonal, they depend to a varying degree on occasional services. In this data it is also evident that large companies depend to a lesser extent on occasional services, and in fact, the larger the company the lesser the dependency on occasional services. This would imply that companies providing regular services are about as sensitive to seasonality as those providing mainly occasional services.

7.2.4 Problems associated with existing legislation

The problems associated with existing legislation is similar to the problems faced by smaller companies in the sector, albeit the effect seems muted due to the characteristics of this market segment. As explained above, this comes from the fact that most larger companies depend on providing regularly scheduled services for a larger part of their income, and thus have a smaller percentage of their business affected by the 561/2006 regulation on driving and rest time rules. In general, public transport routes are shorter than 50km, which exempts drivers on that bus route from the 561/2006 regulation. For public transport routes over 50km, the driver must drive according to the 561/2006 regulation, where between national regulation and the EU regulation can vary. Some examples of how the rules can differ include:

- Different use of a tachograph. Tachographs are required under the 561/2006 regulation, but the use of tachographs can be different in the national regulation.

- Different type of break time. Public transport drivers take a break when they have finished driving their route, and passengers are not

However, according to interview sources and the available data, it seems that large companies have an advantage over smaller companies also when it comes to scheduling and coping with the rest time rules.

Looking at pre-pandemic performances *per coach* between smaller and larger companies in the Netherlands, we see a pattern of larger companies getting more mileage out of each

coach than smaller ones tend to. Larger companies do not only have more coaches, but they also have better performance per each coach as well - more passengers per coach, more deployment days per coach, and greater number of kilometres both domestically and abroad. This finding is backed up in interviews, where both larger and smaller companies stated that **larger companies had an easier time to employ enough drivers to keep coaches in motion**.

Table 7.3: Average performance per coach 2019 by size class

Average performance per coach 2019 by size class	Small/medium	Large
Passenger occupancy on average per coach	36	43
Number of deployment days per coach	71	91
Number of operating hours per coach	486	689
Number of kilometres per coach	17 011	26 933
- *of which kilometres in the Netherlands*	14 521	17 414
- *of which kilometres abroad*	2 490	5 551
Number of kilometres per day of deployment	246	295
Number of kilometres per operating hour	31	32

Source: Kerncijfers 2019 van het Nederlandse touringcarvervoer (Panteia, 2021), authors' own calculations

The labour shortages that are affecting the entire transport sector can also hit a smaller company harder compared to a larger one; if a few buses are unable to move due to lack of drivers, a greater percentage of the fixed capital is unused for a company with fewer coaches and drivers.

Because larger companies as a rule only conduct a smaller percentage of their overall activities in the occasional transport sector, their views on the driving and rest time rules tend to be very different from the smaller, primarily occasional service provides. One company which only does 5% occasional services (and the remaining 95% in public transport) stated that their primary concern was about possible spill over effects into their regular services. For instance, during railroad maintenance or a train accident it is common that the temporarily unavailable line is replaced by a bus for a specific period of time. The company in question usually would provide buses to make up for the train route, and this activity is counted as an occasional transport service. The company would argue that the nature of this service is regularly scheduled for a limited time and should be regulated the same way as their other public transport services, but this is not the case. This route would be covered by the 561/2006 regulation on driving and rest time rules, provided that the distance is longer than 50 km, and can have strange impacts on when a driver needs to take a break and how much of that break is actually counted as a break, for instance.

Similar issues can arise on regularly scheduled traffic that traffics routes that are longer than 50km. These are more common in rural areas, where routes can often be longer and bus stops are spaced out with greater distance. Driving one route over 50km requires the driver to conform to the EU legislation during the entire day, which has implications for the use of tachographs on any other routes that the driver is trafficking during the day.

In summary, the evidence points to the conclusion that **large companies face relatively fewer issues with the current legislation when compared to smaller competitors**. This has to do with the ability to deploy more drivers to work within the framework of the rules, causing fewer issues with compliance.

This is not to say that larger companies can experience the rules as troublesome in similar ways, but only that their financial performance would be impacted less significantly from changing the rules. Precise financial impacts are difficult to predict for any part of the

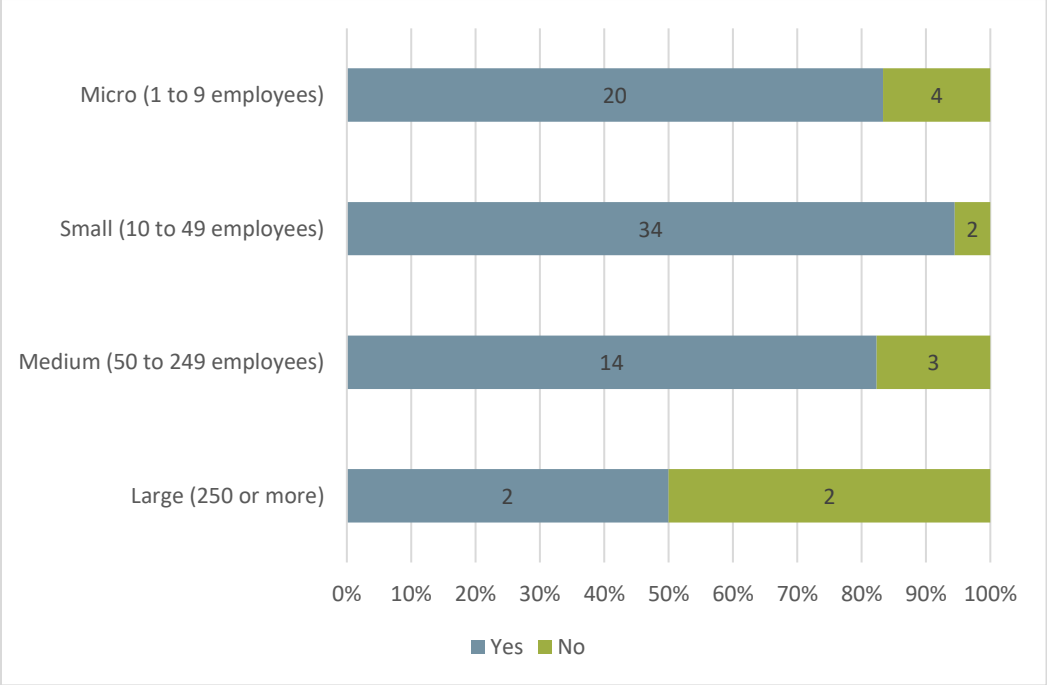
market, but most of the evidence suggests that the financial impact on larger companies would be lower than for smaller companies, as elaborated on in the next section.

7.2.5 Expected impacts of the policy options on the market segment

Due to the nature of larger companies, which often rely to a greater extent on providing regularly scheduled services, **the economic impacts for large companies would be more limited compared to the impact on smaller companies**. Break times are expected to make scheduling somewhat easier for companies, but not necessarily affect the total revenue much. Therefore, any changes to break times is expected to have similar impacts on larger companies compared to any smaller companies, which is to say that across the entire sector, **economic impacts due to changes in the break time rules would be marginal**.

While certain changes to the **12-day derogation or the rest period rules** are expected to have economic benefits for smaller companies, it is expected that larger companies would likely see impacts of a similar nature, but less prominent. One of the issues is that the rest periods create downtime for each coach, which is, according to data from the Netherlands, less of an issue for the larger companies compared to the smaller ones. In an interview with a large company in Spain, the respondent was positive towards all changes to the rules[98] except for the removal of the obligation to have two weekly rest periods after a trip under the 12-day derogation. All other companies were in favour of this change, which indicates that they have an easier time coping with this rule as a result of having more employees and more coaches. This pattern can be further seen in the results of the public consultation, where most companies were in favour of this rule change, but where two of the four large companies were not. Because there are very few large companies in the sector, the data reliability is fine enough to draw conclusions, but the sum of the evidence provided from interviews, the public consultation and the data from the Netherlands points in the same direction, which is that larger companies have an easier time coping with the current rest time rules.

Figure 7.6: Responses to rest period policy option 3, by size class

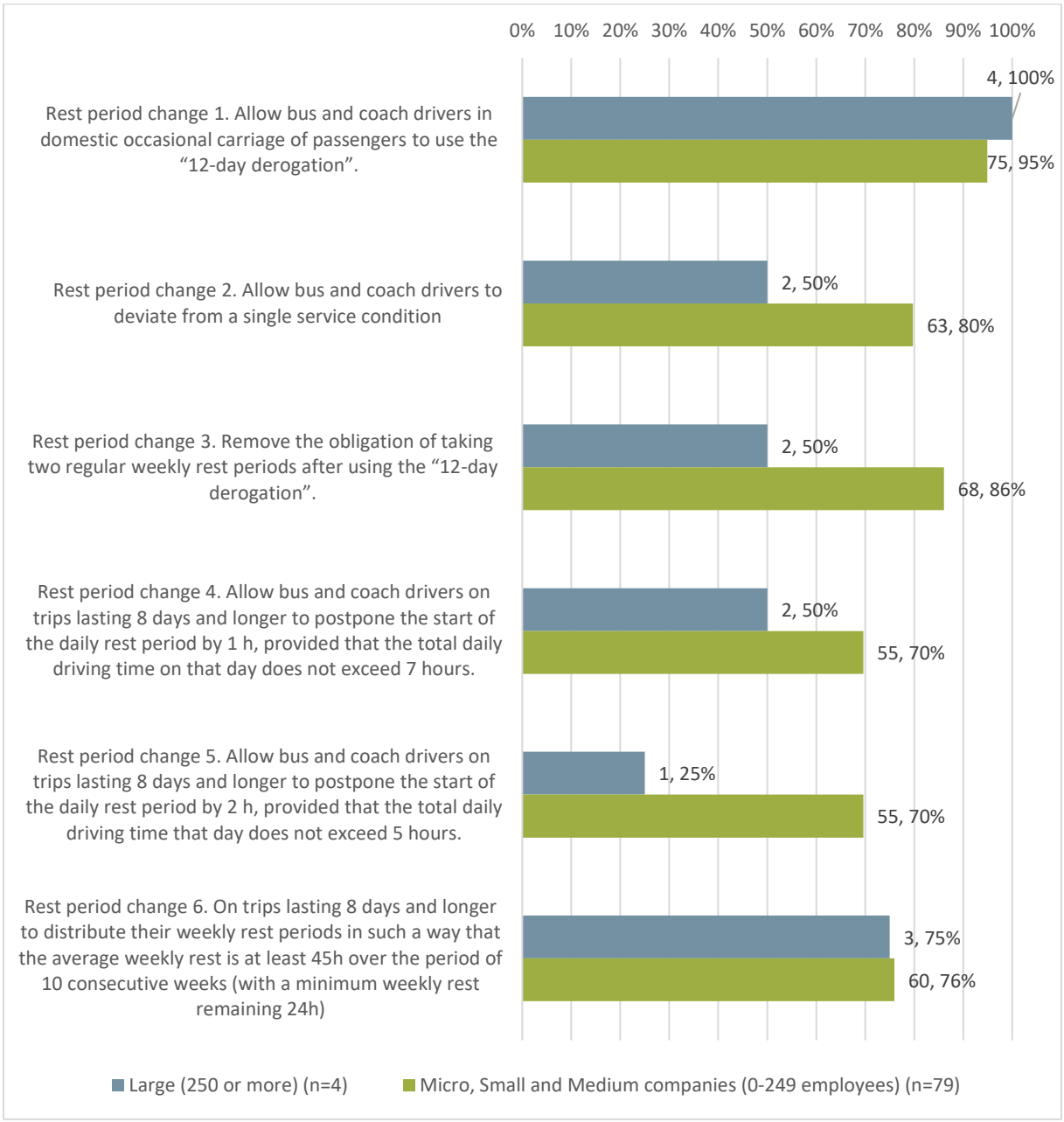


Source: public consultation, October 2021 – February 2022.
Base: 83 respondents.

[98] The proposed policy options were flexible distribution of breaks, extension of 12-day derogation to apply nationally, removal of single service condition for the 12-day rule, removal of the condition to have two weekly rest periods after the 12-day derogation, and extension of the duty cycle.

Overall, **large companies were more sceptical about rule changes** overall compared to their smaller counterparts, shown in Figure 7.7, which again indicates that they are under less pressure from the current legislation. The larger companies consistently are less in favour of changing the rules, with the notable exception of extending the 12-day derogation nationally, which all responding large companies agreed with, despite some of them having reservations about the other policy options. The increased flexibility in arranging weekly rest periods was also favoured by a majority. However, the possible conclusions that can be drawn from this fact should not be overstated. Firstly, while the coverage of micro, small and medium-sized companies is adequate, there are few large companies in the sample, partly due to the lack of large companies in the occasional transport services sector. Secondly, the lower enthusiasm for rule changes for large companies can be the result of either of two important factors. The first possible factor is that they, as a rule, earn most of their revenue in the regular services, and therefore have less of a financial motivation to demand rule changes. The second possibility is that they already cope with the rules better than their smaller industry partners. Beyond the fact that this could mean that they simply have less of an incentive to change the rules, it could also point to the fact that they have a competitive advantage over smaller companies, since they are able to absorb more clients, and have higher turnover per coach, compared again to their smaller competitors. The data is not substantial enough to prove which factor is the most important one in this respect, but it is the best data that is available for such analyses.

Figure 7.7: Agreement of small vs large companies towards rest time changes



Source: public consultation, October 2021 – February 2022.
Base: 83 respondents

Looking to **social impacts**, any impacts of either worsened or improved working conditions would affect drivers in large companies similarly to those employed in smaller companies. However, it seems at least possible that larger companies have an easier time scheduling and working within the framework of the regulation to keep coaches moving, which indicates that there is less pressure on an employee in large company to shorten rest times or skip breaks. This pressure is argued by industry representatives to cause stress and can endanger both driver and passengers, as well as risking fines for both drivers and companies.

In terms of the **preferred policy options for the future**, there unfortunately is not enough evidence to point to clear conclusions on which options would be preferred by the large operators. According to the public consultation, the expansion of the 12-day derogation for use nationally was the only one that had unanimous support and was also

supported by the interviewed organisations. This would enable organisations to offer a wider range of services and is expected to have positive impacts on the financial situation for any size operator. For the other policy options, the evidence is too thin to make clear statements on which policy options would be preferred.

The table below presents a summary of the expected impacts, with a focus on comparing large operators to providers of occasional services as a whole.

Table 7.4: Summary of impacts on the market segment compared to occasional bus and coach sector as a whole

	Economic impacts	Social impacts	Environmental impacts
Break times	Similar impacts to the rest of the occasional bus and coach sector. The economic impacts of changed break times is estimated to be marginal, which is the case for large companies as well.	Similar impact as for the rest of the sector.	Similar impact as for the rest of the sector.
Rest periods	More limited impacts than for the smaller companies in the sector. Domestic use of the 12-day derogation would be economically beneficial to large companies as well, but have a less important increase of overall revenue, as they are often quite involved in regular services.	Similar impact as for the rest of the sector.	Similar impact as for the rest of the sector.

7.3 Case study 3 – Medium-sized bus and coach operators

7.3.1 Case study summary and conclusions

The subject of this case study is medium-sized bus operators providing occasional transport services in north-western Europe, with a focus on Germany and the Netherlands.

Medium-sized companies in the sector still constitute a minority compared to the amount of micro and small enterprises established in the market. Nonetheless, occasional transport constitutes an important share of the overall turnover of medium-sized companies. Although they perform a wide variety of services, occasional transport makes up for at least 50% of their yearly turnover.

Due to their reliance on occasional services – hence on tourism, COVID-19 has had a significant impact on medium-sized bus operators, which, in the Netherlands, went from representing a share of 8% of the market to only 4%. Similar trends can be noticed in Germany.

Overall, medium-sized bus operators in north-western Europe, including Germany and the Netherlands, are mainly faced with challenges that related to the 12-day derogation and the organisation of breaks during the trip. The main criticism levelled against the 12-day derogation by medium-sized bus operators is that relatively few companies can make use of it as it only applies to international services. Furthermore, in its current formulation, the 12-day derogation has a negative impact on the number of trips a driver can carry out, indirectly benefiting companies with a larger pool of drivers. For what concerns the rules on breaks, medium-sized operators seemed to agree that a change is needed in the direction of more flexibility since, under current circumstances, bus drivers find it hard to provide services that are in line with customer needs.

Whereas none of the proposed fully fledged policy options seem completely satisfactory to stakeholders from the countries under analysis, there are a couple of measures that medium-sized bus operators would particularly favour: 1) the possibility to split the break of minimum 45 minutes into 30 + 15 or 15 + 15 + 15 minutes, as it would improve significantly the ability to organise services efficiently and in line with customer needs; 2) the possibility for bus drivers engaged in domestic services to postpone their weekly rest period for up to 12 consecutive periods of 24h, following a regular weekly rest, as it would guarantee a level playing field between actors in the sector (especially between bus operators providing either international or domestic transport services) regardless of their size.

7.3.2 Introduction

This case study focuses on medium-sized operators based in north-western EU Member States (such as Germany and the Netherlands) that – among others – provide occasional services. The aim is to shed light on how this specific market segment is affected by the current legislation on driving times, breaks and rest periods of occasional road transport workers (as well as by the COVID-19 pandemic). Medium-sized bus operators might, for instance, have more difficulties than large companies to provide a continuous service during peak season (i.e., May-September in most cases) in light of current rules, which requires bus drivers to operate in between a set of mandatory rest periods. Also, medium-sized companies could have more difficulties than large companies to access public funding or cost-covering services framed by public services obligations. In turn, size could affect companies' resilience in the face of the impacts of the COVID crisis.

The make-up of the occasional bus and coach market adds relevance to this case study. In fact, according to a recent survey from the European Transport Workers Association

(ETF)[99], the largest share of drivers in the sector works for small companies (10 to 50 employees), while a similar number works for a medium-sized company employing between 51 to 100 drivers (28.7%)

Being the most relevant source of comprehensive data on the structure and activities of the market segment, this case study mainly draws on sectorial statistics coming from the Dutch umbrella organisation for professional passenger transport "KNV" (*Koninklijk Nederlands Vervoer* – Royal Dutch Transport). However, the case study only relies on the Federal Statistical Office of Germany[100], and the significant insights that were collected through interviews in the Member States under analysis in this case study (i.e., Germany and the Netherlands). Additional relevant feedback has been collected from the public consultation.

Interviewees from the above-mentioned countries are bus operators providing the following range of services: multi day trips, single day excursions, ad hoc services (both domestic and international).

7.3.3 Context

The best way to infer the general characteristics of the market segment under review is by looking at the comprehensive 2020 national database on the Dutch bus and coach passenger transport sector (*KNV statistiek van het Nederlandse touringcarondernemingen*) as well as at the outcome of the public consultation launched between October 2021 and February 2022. Due to the lacking data on drivers employed by the businesses in the sector at company level within the national Dutch database, the best way to categorise small, medium and large companies is by looking at the fleet size of companies. The fleet size is in turn a good proxy for the number of employees/bus drivers in each business. This case study will consider medium-sized companies those companies that, within the Dutch national database, have declared a number of coaches comprised between 30 and 69[101].

The table below shows the main source of income for middle-sized companies.

Table 7.5: Share of turnover by type of service, by company class (2021)

Type of service	Small companies	Medium companies	Large companies
Average turnover from regular services (school/company transport)	32%	14%	11%
Average turnover public scheduled services	28%	19%	49%
Average turnover day trips*	27%	48%	19%
Average turnover multi-day trips*	8%	11%	9%
Average turnover shuttle and international scheduled services*	5%	9%	13%
Total	*100%*	*100%*	*100%*

**Occasional transport service*
Source: KNV statistiek van touringcarondernemingen

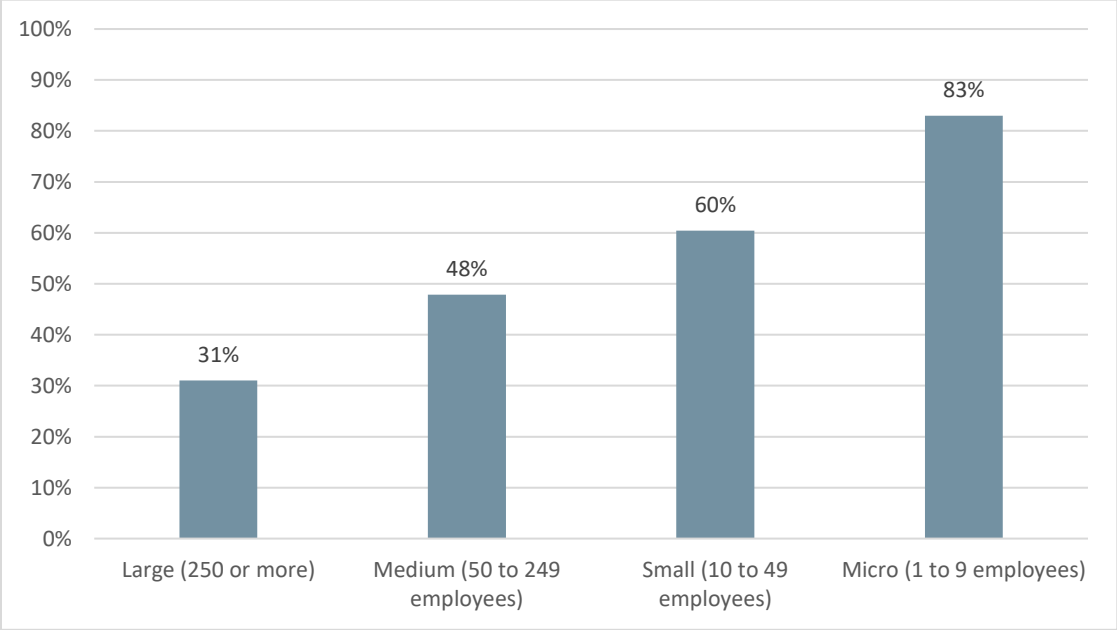
The Dutch data tell us that occasional transport services constitute a much larger share of turnover for medium-sized enterprises (68%) than for the rest of company classes. This,

[99] ETF Report, 2018, Driven to distraction? Long-distance coach and bus drivers in the EU, https://www.etf-europe.org/wp-content/uploads/2018/09/ETF-report-on-woking-conditions-of-bus-and-coach-1.pdf.
[100] Homepage - German Federal Statistical Office (destatis.de)
[101] According to IRU's officials, the number of employees in bus companies is approximately 1.7 times higher than the number of coaches. Therefore, this case study will look at those companies with a number of staff comprised between 51 and ca. 100 employees.

however, does not mirror the outcome of the public consultation launched between November 2021 and February 2022. As showed in Figure 1.1, medium-sized companies were the second smallest group after large companies in terms of turnover generated by occasional services. The differences between the two datasets could derive from the fact that the first one is strictly connected with the specificity of transport provision in the Netherlands.

Nonetheless, it could be concluded that **occasional transport services are a significant source of income for medium-sized companies**, which generally range between half and two thirds of their total yearly turnover.

Figure 7.8: Percentage of turnover in 2019 related to occasional bus and coach services (%) by size class



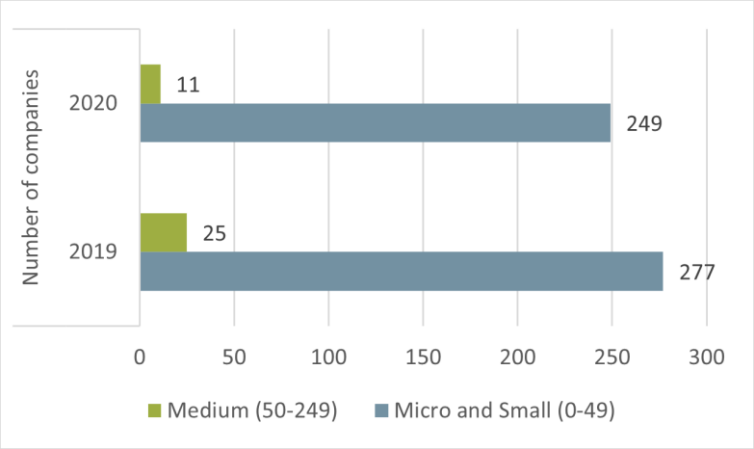
Source: Public consultation, October 2021 – February 2022.
Base: 83 respondents

Dutch data and the public consultation's findings, instead, seem to agree on the fact that medium-sized bus operators are **mainly involved in domestic trips**, however there is still a significant share of these companies involved in international operations.

According to key figures of occasional coach transport in the Netherlands[102], both in 2019 and 2020 the overwhelming majority of companies belonged to the category of micro and small enterprises. **Medium-sized companies represented a remaining share of 4-8%**. Largely due to the COVID-19 pandemic and its impacts on tourism, between 2019 and 2020 the number of medium-sized bus operators decreased by 44% (Figure 7.9).

[102] Available at: Kerncijfers van het touringcarvervoer van Nederlandse touringcarondernemingen 2020.pdf (panteia.nl)

Figure 7.9: Dutch companies by company size, 2019 vs 2020



Source: Kerncijfers 2020 van het Nederlandse touringcarvervoer (Panteia, 2021)

The year 2020 was (unsurprisingly) exceptionally bad for the occasional coach sector; as a result of the COVID-19 pandemic restrictions, Dutch coach companies generated only 3.7 billion passenger/kilometres (-63% compared to 2019), of which 3.3 within the Netherlands (-56%) and 0.4 abroad (-84%). This was, naturally, accompanied by of a drop in numbers of companies and employees in the sector. The table below shows a comparison of data of the industry between 2019 and 2020.

Table 7.6: Dutch occasional coach transport industry's performance, 2019 vs 2020

	2019	2020	Difference (%)
Number of companies	302	260	-14%
Passenger/kilometres (billion)	9.9	3.7	-63%
Number of coaches	3,827	3,544	-7%
Driven kilometres by coach	70,519	28,792	-59%
Number of drivers	5,592	3,859	-31%

Source: Kerncijfers 2020 van het Nederlandse touringcarvervoer (Panteia, 2021)

The sectorial trend in Germany is similar. The number of passengers carried by occasional road services in the country decreased by 77% between 2019 and 2020[103]. National data on occasional long-distance transport by bus confirm the overall challenges faced by the sector within the same timeframe. Whereas in 2019 the distance covered by coaches was of ca. 543 million kilometres (of which 45% covered beyond Germany's national borders), in 2020 it dropped to ca. 101 million kilometres (of which 30% abroad)[104]. Similarly, between 2019 and 2020 the number of available seats/kilometres dropped by 82% - likely due to both the reduced activity in the sector and the necessity to keep a safe distance between passengers. Then, still according to national statistics, the number of companies in the occasional road transport sector decreased by 13%[105]. In a recent publication, the

[103] Passenger transport - German Federal Statistical Office (destatis.de)
[104] Federal Statistical Office Germany - GENESIS-Online: Result 46181-0002 (destatis.de)
[105] Statistisches Bundesamt Deutschland - GENESIS-Online: Ergebnis 46181-0010 (destatis.de)

Federal Association of German Bus Operators (BDO)[106] estimated that, in 2021, a smaller but still significant share of large (55%), medium (59%) and small-sized (59%) companies in the occasional transport sector will have faced a similar unfavourable financial situation[107]. Similarly, dissatisfaction in terms of sales development was expected to increase with decreasing company size: 61% and 59% of small and medium sized companies assessed the sales development as less favourable compared to the previous year, versus 57% of large companies[108].

7.3.4 Problems associated with existing legislation

Most of the evidence on issues faced by the medium-sized market segment came from the targeted interviews and public consultation. Whereas there is a general agreement among stakeholders that current rules (which cover all road transport services) do not take into account the specificities of the occasional sub-sector, operators from companies with less than 250 employees felt that they faced bigger challenges. These related to various aspects of the rules, as explained in the next paragraphs.

According to medium-sized bus operators involved in our rounds of consultation, one of the main challenges they face currently relates to the **12-day derogation provision**[109]. More specifically, bus operators seemed to agree that there are **relatively few companies that can make use of it as it only applies to international services**. According to current rules, bus drivers in domestic trips need to take a weekly rest period (45h) after six days of driving. Once again, this hampers the organisation of services able to meet customers' expectations in terms of quality. In fact, whereas a larger company would be able to send another driver in order to ensure the continuity of service provision, medium-sized companies – especially during peak season – often lack this possibility. Additionally, as clearly stated by medium-sized operators in the public consultation, this distorts the competitiveness advantages of international transport service providers over national transport service providers.

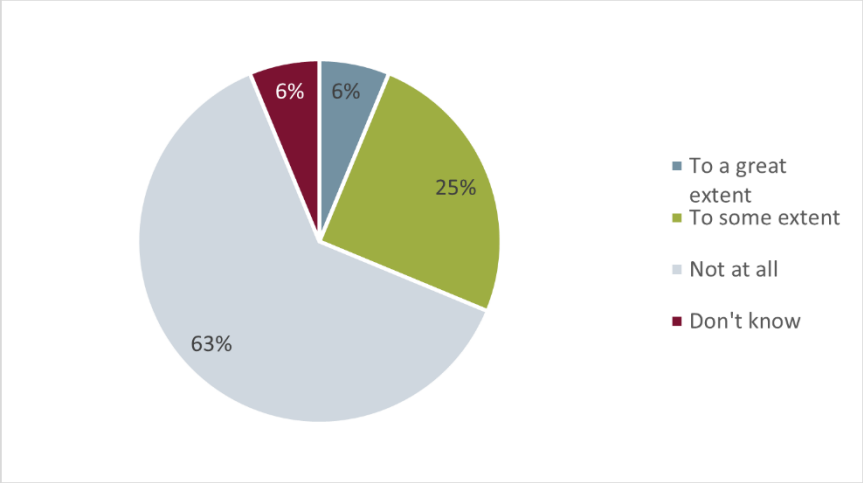
Another issue mentioned by medium-sized bus operators, still related to the 12-day derogation, was that for companies operating (mostly) internationally (and thus having access to the derogation) the rule can only be applied if the driver precedes the service with a rest of at least 45 hours and follows it with an extended rest of 69 or 90 hours. Especially during peak season, this has a **negative impact on the number of trips a driver can carry out** in a given period (thus on his productivity). In turn, trip planning is reportedly hampered by the lack of continuity in bus drivers' workflow. Furthermore, compared to large size companies, medium-sized ones are less able to allocate resources according to scheduling needs because of their limited pool of drivers.

Medium-sized bus operators therefore face a competitiveness issue: under the current rules, a larger pool of drivers increases the possibility to offer a higher number of services

[106] BDO (*Der Bundesverband Deutscher Omnibusunternehmen*) is the leading association of the German bus industry and represents the interests of private and medium-sized companies in the field of local public transport, bus tourism and long-distance buses.
[107] Konjunkturumfrage 2021/2022. Available at: broschüre-konjunktur2022-web_lay-05.indd (bdo.org)
[108] Ibid.
[109] Article 8 of Regulation (EC) 561/2006 reads that within each period of 24h after the end of the previous daily rest period or weekly rest period, a driver shall have taken a new daily rest period. Furthermore, in any two consecutive weeks a driver shall take at least two regular weekly rest periods; or one regular weekly rest period and one reduced weekly rest period of at least 24h. A weekly rest period shall start no later than at the end of six-24h periods from the end of the previous weekly rest period. However, by way of derogation, a driver engaged in a single occasional service of international carriage of passengers may postpone the weekly rest period for up to 12 consecutives 24h periods following a previous regular weekly rest period.

and in turn to better orient their services towards customers' needs. This was also confirmed by the public consultation, as shown in the figure below.

Figure 7.10: "Do you think the driving, break and rest rules contribute to fair competition between domestic and international services? When providing responses, please consider your answer in terms of the following aspect, namely the "12-day derogation" (Article 8(6a) of Regulation 561/2006), which applies only to transport crossing international borders as part of a single trip, meaning occasional services taking place within one country cannot use the derogation" – Medium-sized companies



Source: Public consultation, October 2021 – February 2022.
Base: 16 respondents

Another minor issue identified by stakeholders – which also emerged in the public consultation – related to the **organisation of breaks during the trip**. Medium-sized operators seemed to agree that a change is needed in the direction of more flexibility since, under current circumstances, bus drivers find it hard to provide services that are in line with customer needs. Furthermore, bus drivers' working conditions would benefit too from an enhanced flexibility of break rules. Indeed, while truck drivers drive continuous hours in less urban environments, coach drivers have additional stress deriving from the need to accommodate both the requirements of their employers and passengers who demand customised journeys, besides the need to cope with uncertain driving conditions.

7.3.5 Expected impacts of the policy options on the market segment

In terms of potential impacts of the policy options on the market segment under review, it must be noted that the nature of the impacts themselves would be similar across market segments. However, since the scale of the problems is bigger for medium-sized companies than for larger ones, the expected impacts would also be relatively more important.

Nonetheless, stakeholders were asked throughout the public consultation to assess and evaluate the likely impacts of the single policy options' measures. It follows that, in terms of proposed break changes, respondents giving their contribution as medium-sized companies seemed to favour more the possibility to **split the break of minimum 45 minutes into 30 + 15 or 15 + 15 + 15 minutes** (i.e., Policy Measure 1). This outcome was also mirrored in most of the interviews carried out with medium size companies, as they supported the break split for it **would improve significantly the ability to organise services efficiently and in line with customer needs**. According to them,

this break change would also benefit drivers working conditions. On the other side, medium-sized companies seem to favour less a change that would allow bus drivers to arrange and split their break in a fully open manner over the period of 4h30 driving time, as "*no one would really benefit from a 5-minute break*"[110].

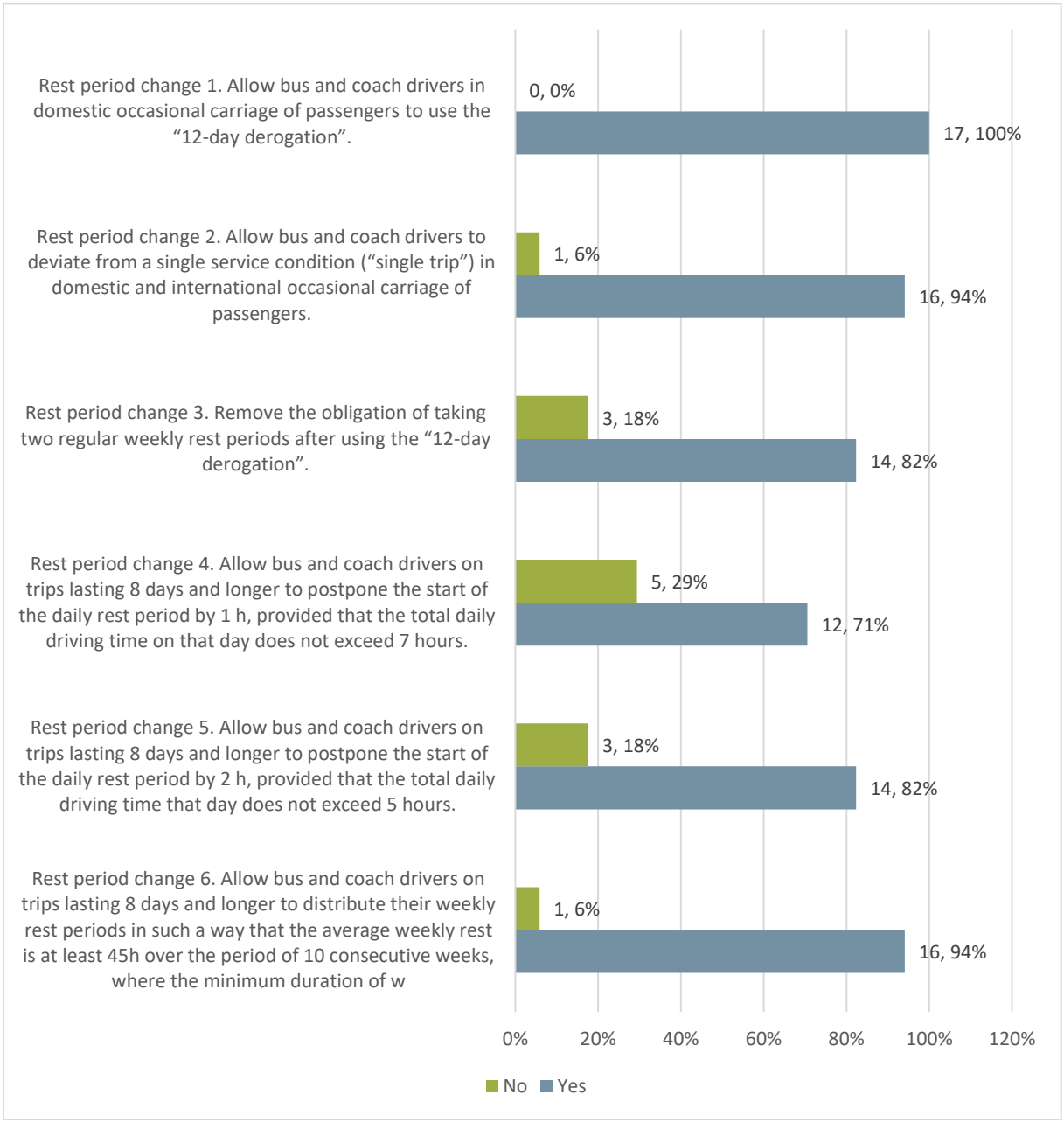
Finally, from the perspective of medium-sized operators, this measure would also be able to address a decisive question in the occasional transport of passengers, namely that passengers' wishes are taken into consideration. This would help restore the credibility of a sector which has suffered more than others from the COVID-19 movement restrictions. Furthermore, they would help strengthen small and medium operators' business model by increasing their competitiveness and overcoming the compelling issue of labour shortage.

In terms of rest period changes, medium-sized operators looked mostly favourably at the **possibilityfor bus drivers engaged in domestic services to postpone their weekly rest period for up to 12 consecutive periods of 24h**, following a regular weekly rest (i.e., Policy Measure 5). According to interviewees, this measure would in fact guarantee a level playing field between actors in the sector (especially between bus operators providing either international or domestic transport services) regardless of their size – i.e., regardless of the pool of bus drivers at their disposal. To a larger extent, this measure would have positive effects on those companies operating in larger Member States (e.g., Germany) where long domestic trips are not the exception. Measures 6 and 7 would also ensure a desirable level of flexibility to bus operators. For instance, the removal of the single-service condition would allow bus operators to schedule more trips and help companies with a limited pool of drivers (small and medium bus operators) to allocate their resources more efficiently. Similarly, the derogation to the extra compensatory rest after using the 12-day rule would allow drivers to carry out consecutive services hence the company to schedule more trips during high season.

The use of the 12-day derogation at national level was also the most supported single measure by medium-sized companies in terms of rest period changes. Although a significant majority of respondents favoured each change proposed, the entire set of respondents was in favour of this (see Figure 7.11)

[110] Reporting directly one stakeholder's opinion.

Figure 7.11: Preferences of medium-sized companies across rest period changes



Source: Public consultation, October 2021 – February 2022.
Base: 17 respondents

Table 7.7: Summary of impacts on the market segment compared to occasional bus and coach sector as a whole

	Economic impacts	Social impacts	Environmental impacts
Break times	Larger positive impacts due to the more flexible breaks would help strengthen medium operators' business model by increasing their competitiveness and overcoming the compelling issue of labour shortage	Similar impacts as for the rest of the sector	Similar impacts as for the rest of the sector

Rest periods	Larger positive impact as they would guarantee a level playing field between actors in the sector regardless of their size. Rest period changes would have positive effects especially on those medium-sized companies operating in larger Member States (e.g., Germany) where long domestic trips are not the exception	Similar impacts as for the rest of the sector	Similar impacts as for the rest of the sector

8. Impacts on stakeholders of the preferred option

Summary of the preferred policy implementation

The preferred option (policy option 1) entails adjustments to the break times and rest period rules that would apply only to drivers in the occasional transport of passengers by bus and coach. While these rules would differ from the ones that are currently applicable, they would not involve changes to the nature of the rules. More specifically, drivers would still be subject to requirements in terms of the amount of break time for every 4.5 hours of driving, a maximum length of the duty cycle before a daily rest period must be taken, and the timing and length of weekly rest periods. The amount of total driving time per day would remain unchanged, as would the arrangements for operators and drivers to demonstrate compliance with the rules. For this reason, the implementation modalities for the preferred option would be essentially the same as for the current rules. As such, no changes to administrative burdens are foreseen, except for one-off implementation costs for operators, drivers and enforcement authorities to familiarise themselves with the new rules.

Summary of costs and benefits for consumers, market actors and public authorities

The preferred option would have implications for four types of actors involved in the production and use of occasional transport services by bus and coach, namely consumers, occasional bus and coach operators, drivers and public authorities. These are briefly outlined below, followed by summaries in table format.

- Consumers: since it is envisaged that the rules would make it easier for operators to arrange services in a high-quality and efficient way, consumers are expected to experience benefits in the form of a better and / or cheaper service offering.

- Occasional bus and coach operators: policy option 1 entails minor adjustments to the rules, that require bus and coach operators in the sector to familiarise themselves with the changes. These entail one-off adjustment costs for bus and coach operators in 2025 (when the new rules are expected to be in force). The workload required to familiarise with the new rules is estimated at 4 hours per company. The average cost per hour at EU level is estimated at EUR 24.9 in 2021 prices and it is assumed to remain constant over time. The total number of occasional bus and coach companies in 2025 is estimated at 6,032. Thus, the one-off adjustment costs for transport operators in the occasional bus and coach sector in 2025 are estimated at EUR 0.6 million relative to the baseline. This should be regarded as an upper-bound estimate, as it is likely that any familiarisation with the new rules would take place in the context of the regular activities performed by the bus and coach operators.

- In addition, the rules for operators would be less restrictive than is currently the case, meaning that they would face reduced operational costs and an improved regulatory environment for arranging occasional bus and coach services. The savings are estimated at between EUR 106.4 to 141.9 million for the occasional bus and coach sub-sector as a whole. It is assumed that this will have a greater effect in the first two years of implementation of the measures, then gradually taper off over time. These savings would be expected to have knock-on effects in terms of increased service volumes and revenues. The preferred option is also expected to facilitate compliance, which would reduce infringements and fines for operators, albeit only to a small extent.

- Drivers: the social impacts of policy option 1 would affect drivers directly. These were found to be net-positive, with improvements in terms of autonomy and an ability to take daily and weekly rests at convenient times outweighing the longer working days and weeks that would occur in some circumstances (e.g. from increased usage of the 12-day rule). The adjusted rules would also facilitate compliance. Along with the lighter administrative requirements, this would lead to minor reductions in drivers' levels of stress and fatigue, which would also improve road safety. Drivers (especially those who are self-employed) would be expected to experience economic benefits, because they would be able to take on a greater workload – and thus earn additional wages – during peak seasons. Since the preferred option is also expected to improve the economic outlook for the occasional bus and coach sector to a limited extent, this would also increase demand for drivers, and thereby contribute to employment possibilities and wages.

- Public authorities: policy option 1 would not be expected to change reporting and enforcement modalities, but minor improvements in compliance with the rules among occasional bus and coach operators would reduce enforcement burdens on public authorities to a limited extent. One-off costs for familiarisation and training are also expected in the first year of implementation (2025). The time required per enforcement officer to familiarise with the new rules and implement those in their planning is estimated at 4 hours, with the total number of enforcement officers involved in checks estimated at 54,679[111] at EU level. In this regard, the one-off adjustment costs for Member States authorities in 2025 are estimated at EUR 5.4 million in the EU-27 relative to the baseline (in 2021 prices), considering the average cost per hour of EUR 24.9 at EU level.

I. Overview of Benefits (total for all provisions) – Policy option 1		
Description	***Amount***	***Comments***
Direct benefits		
Reduced compliance costs for occasional bus and coach operators	Total operational cost savings of EUR 106.4 to 141.9 million in 2025-2050, expressed in present value	Policy option 1 would reduce the need for stops and other changes to occasional itineraries solely for the purpose of complying the rules, as well as increasing the proportion of itineraries that could be staffed with a single driver (rather than two drivers). The adjusted rules would also facilitate compliance, reducing costs of fines for infringements. The result would be reduced costs to a certain extent, especially SMEs, who are less well-equipped than larger companies to handle the current rules.
Increased remuneration at peak seasons for occasional bus and coach drivers	While the evidence made the nature of these benefits clear, it did not allow for quantification.	By increasing the proportion of trips to which the 12-day rule could be applied, drivers (especially those who are self-employed) would be able to increase their workload during peak season and thereby carry out more remunerated work.
Reduced enforcement costs for public authorities	While the evidence made the nature of these benefits clear, it did not allow for quantification.	Improved compliance in the occasional bus and coach sector would reduce costs for enforcement to a limited extent among public authorities.
Indirect benefits		
Cheaper occasional bus and coach services for consumers	While the evidence made the nature of these benefits clear, it did not allow for quantification.	To a certain extent, reduced costs for operators would be passed onto consumers in the form of reduced prices for occasional services.
Administrative cost savings related to the 'one in, one out' approach*		
The preferred option does not entail meaningful changes to administrative burdens aside from minor adjustment costs, meaning that there are no 'one-in, one-out' implications.		

[111] Report from the Commission to the European Parliament and the Council on the implementation of Regulation (EC) No 561/2006 *(forthcoming)*.

II. Overview of costs – Policy option 1: Aside from one-off adjustment costs for businesses and administrations, no new costs are foreseen from the initiative. Types of costs with no implications are shaded grey.							
		Citizens/Consumers		**Businesses**		**Administrations**	
		One-off	**Recurrent**	**One-off**	**Recurrent**	**One-off**	**Recurrent**
Operational costs associated with implementation of the rules on break times and rest periods in occasional bus and coach transport	Direct adjustment costs			Average costs of EUR 100 per operator (i.e. 4 hours at an hourly wage of EUR 24.90) to familiarise themselves with the rules and adapt compliance frameworks, making for a total of EUR 0.6 million.		Average cost EUR 100 per officer, i.e. 4 hours of work at an average hourly wage of EUR 24.90 for familiarisation with the rules and training, amounting to a total cost of EUR 5.4 million for 54,679 control officers involved in checks in the EU-27.	
	Direct administrative costs						
	Direct regulatory fees and charges						
	Direct enforcement costs						
	Indirect costs						
Costs related to the 'one in, one out' approach – the initiative has no 'one-in, one-out' implications							
Total	Direct adjustment costs			For occasional bus and coach operators: EUR 0.6 million in 2025, for familiarising with the new rules. Overcompensated by the adjustment costs savings for the sector.			
	Indirect adjustment costs						
	Administrative costs (for offsetting)						

III. Overview of relevant Sustainable Development Goals – Policy option 1		
Relevant SDG	**Expected progress towards the Goal**	**Comments**
SDG no. 8 – promoting economic growth, productive employment and decent work	Minor but meaningful contributions from the perspective of the occasional bus and coach sub-sector	Policy option 1 is expected to foster the economic development of the occasional bus and coach sector, which would in turn contribute to economic growth and employment. Moreover, it would improve working conditions for drivers in occasional bus and coach transport, contributing to decent work.

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MI-03-23-100-EN-N

Publications Office
of the European Union

ISBN : 978-92-68-02172-9

doi: 10.2832/109842