(English version)

Question for written answer E-002734/24
to the Commission
Maria Zacharia (NI)
(3 December 2024)

Subject: Insurance category of professional school bus drivers

Greece's new Regulation on Difficult and Hazardous Occupations (Decision Φ10221/οικ.26816/929/30.11.2011 of the Ministry of Labour and Social Security) entered into force on 1 January 2012. Under this regulation, as in the past, the professions of bus and coach drivers — including school bus drivers employed by passenger transport companies — are classified as difficult and hazardous occupations and should be insured accordingly.

In general document No 51485/2020 of the Directorate for Social Security, which referenced document No 12315/646/20-2-2020 of the Ministry of Transport, the Unified Social Security Fund replied to the school bus drivers saying that it interpreted the above provisions on the basis of Regulation (EC) 1071/2009 and in light of the fact that private schools do not have passenger transport as their main objective, as required by Regulation (EC) 1071/2009, but provide this service to facilitate their work. As a result, they are not classed as having a difficult and hazardous profession.

In view of the above, can the Commission answer the following:

1. Does Regulation (EC) No 1071/2009 concern the social security system of each Member State, setting out the type of insurance required?

2. Does the Commission not consider that own-account transport, as an ancillary activity of an undertaking in support of its objective (even without a commercial aim, profit, fares, etc.), that is to say, the private use of an undertaking's transport vehicles, constitutes transport of persons or goods within the meaning of EU law?

Submitted: 3.12.2024

Answer given by Mr Tzitzikostas on behalf of the European Commission
(18 February 2025)

1. Regulation (EC) No 1071/2009 ([1]) regulates the conditions of access to the occupation of road transport operator. It does not concern the social security system of each Member State, does not set out the type of insurance required, and is not relevant in determining whether there is a need to be insured.

2. As regards passenger transport, Regulation (EC) No 1071/2009 applies to undertakings operating passenger transport services for the public or for specific categories of users in return for payment by the person transported or by the transport organiser; it does not apply to undertakings which have a main occupation other than that of road passenger transport operator or which are engaged in road passenger transport services exclusively for non-commercial purposes as defined in its Article 1(4) *in fine.* The regulation therefore does not apply to the ancillary activity of an undertaking which has a main occupation other than that of road passenger transport operator.

As regards the transport of goods, the regulation applies to natural or legal persons engaged in the transport of goods for hire and reward with a commercial purpose. Own-account transport of goods, which does not involve hire and reward operations, is therefore not covered.

([1]) Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC, OJ L 300, 14.11.2009, p. 51.