

SUMMARY

# **ECJ 9 November 2023, case C-477/22 (Azienda regionale sarda trasporti), Working Time**

***ARST SpA – v – TR, OS, EK, UN, RC, RS, OA, ZB, HP, WS, IO, TK, ME,  
SK, TF, TC, ND, Italian case***

## **Summary**

The concept of ‘total accumulated driving time during any two consecutive weeks’ as set out in Article 6(3) of Regulation No 561/2006 only covers ‘driving time’ within the meaning of Article 4(j) of that regulation.

## **Questions**

Must Article 3(a) of Regulation No 561/2006 be interpreted as meaning that the concept of ‘route covered by the service in question [not exceeding] 50 kilometres’ refers to the distance covered by the journey set by the transport undertaking for regular passenger services that it provides?

Must Article 2(1)(b), read in conjunction with Article 3(a), of Regulation No 561/2006 be interpreted as meaning that that regulation applies to all road transport carried out by the undertaking concerned, when the vehicles used for the carriage of passenger on regular services are used, principally, for routes covered by the service in question not exceeding 50 km and, occasionally, for routes covered exceeding 50 km?

Must Article 6(3) of Regulation No 561/2006 be interpreted as meaning that the concept of ‘total accumulated driving time during any two consecutive weeks’, set out in that provision, covers, other than ‘driving time’, within the meaning of Article 4(j) of that regulation, any ‘other work’ within the meaning of Article 6(5) of that regulation, carried out by the driver during those two weeks?

## Ruling

Article 3(a) of Regulation No 561/2006 must be interpreted as meaning that ‘the concept of ‘route covered by the service in question [not exceeding] 50 kilometres’ corresponds to the route set by the transport undertaking, not exceeding that distance, that the vehicle concerned must travel by road in order to link a point of departure to a point of arrival and serve, where appropriate, predetermined intermediary stops, in order to ensure the carriage of passengers on the regular service to which it is assigned.

Article 2(1)(b), read in conjunction with Article 3(a), of Regulation No 561/2006 must be interpreted as meaning that that regulation does not apply to all road transport carried out by the undertaking concerned, when the vehicles used for the carriage of passengers on regular services are used to cover, principally, routes covered by the service in question not exceeding 50 km and, occasionally, routes covered by the service in question exceeding 50 km. That regulation only applies when the routes exceed 50 km.

Article 6(3) of Regulation No 561/2006 must be interpreted as meaning that the concept of ‘total accumulated driving time during any two consecutive weeks’, set out in that provision, only covers ‘driving time’ within the meaning of Article 4(j) of that regulation, to the exclusion of any ‘other work’, for the purposes of Article 8(5) of that regulation, carried out by the driver during those two weeks.

---

**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2023-11-09

**Case number:** C-477/22