

SUMMARY

ECJ 26 September 2024, case C-164/23 (VOLÁNBUSZ), miscellaneous

VOLÁNBUSZ Zrt. – v – Bács-Kiskun Vármegyei Kormányhivatal, Hungarian case

Summary

An operational centre (Article 9(3) Regulation 561/2006) is where drivers usually start and end shifts independently. Whether there are facilities is irrelevant. Home proximity might be relevant but is not in itself decisive.

Question

Must Article 9(3) of Regulation No 561/2006 be interpreted as meaning that the concept of ‘employer’s operational centre where the driver is normally based’ set out in that provision covers a place, such as an external depot for vehicles falling within the scope of that regulation, from which the driver concerned usually carries out his or her shift and to which he or she returns at the end of that shift, in the normal exercise of his or her functions and without specific instructions from his or her employer in that regard? And are, on the one hand, the presence of sanitary facilities or social or rest areas and, on the other hand, the geographical proximity of that place to the place of residence of that driver relevant for that purpose?

Ruling

Article 9(3) of Regulation No 561/2006 must be interpreted as meaning that the concept of ‘employer’s operational centre where the driver is normally based’ set out in that provision designates a place, such as an external depot for vehicles falling within the scope of that regulation, from which the driver concerned usually carries out his or her shift and to which he or she returns at the end of that shift, in the normal exercise of his or her functions and without complying with specific instructions from his or her employer in that regard. Whether

sanitary facilities or social or rest areas are present at such a place is irrelevant in that regard. However, the geographical proximity of the place of residence of that driver may be taken into account, without being decisive in itself.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-09-26

Case number: C-164/23