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European Commission launches first step towards review of working time rules

The European Commission has today requested the views of workers' and employers' representatives on the options for reviewing EU rules on working time. The first stage consultation asks the European social partners at whether action is needed at EU level on the Working Time Directive (2003/88/EC) and what scope it should take. This represents the first step towards a comprehensive review of the Directive and comes after previous the attempts to revisit the existing legislation reached an impasse in April 2009.

László Andor, EU Commissioner for Employment, Social Affairs and Inclusion said: "*The failure to reach an agreement on revising the working time legislation last year does not mean the problems around the existing rules have gone away. We still need to find a balanced solution that addresses the real needs of workers, businesses and consumers in the 21st century.*" He underlined: "*We need a comprehensive review of the rules based on a thorough impact assessment with a strong social dimension. Today we invite the social partners to reflect broadly on this crucial issue and to come forward with innovative proposals that move beyond unsuccessful debates of the past.*"

In 2004, the Commission put forward a proposal to amend Directive 2003/88/EC, following wide consultations. The proposal aimed to tackle a series of problems left unsolved by the existing legislation and case law of the Court of Justice, namely to clarify the Directive's application to on-call time in certain sectors of work; to give more flexibility in calculating weekly working time; and to review the individual opt-out from the 48-hour limit. However, in April 2009, government representatives and the European Parliament concluded they could not reach agreement on the proposal, despite lengthy negotiations.

In the meantime, other issues have been added to the debate, reflecting fundamental changes in the world of work over the past twenty years. For example, average weekly working hours in the EU have fallen from 39 hours in 1990 to 37.8 hours in 2006 and the

share of part-time workers in the workforce increased from 14% in 1992 to 18.8% in 2009. There is also more and more variation in individuals' working time over the year and over working life, reflecting more emphasis on work-life balance measures such as flexitime and time credit systems, as well as increasing workers' autonomy in parallel with the expansion of the knowledge-based economy.

As a result, the Commission is planning a comprehensive review of the existing working time rules, starting with a thorough evaluation of the current provisions and issues in their application, before considering the different options to address these issues.

The review will be shaped by a set of policy objectives, including protecting workers' health and safety, improving balance between work and private life, giving businesses and workers flexibility without adding unnecessary administrative burdens for enterprises, especially SMEs.

The first stage consultation of social partners is an important first step towards such a comprehensive review of the Working Time Directive. The social partners have six weeks to make their views known to the Commission. In parallel to the consultations, the Commission will carry out an extensive impact assessment, including an examination of the legal application of the Directive in the Member States and a study of the social and economic aspects that are pertinent to a comprehensive review of the Directive.

Background

The first phase of consultation of the social partners at EU level is provided for in Article 154(2) TFEU. In this phase, the Commission is looking for the social partners' views on whether action is needed at European Union level on the Working Time Directive, and on the scope of such an initiative.

The Commission will examine the views expressed during this first phase, and will then decide whether EU action is advisable. If the Commission decides that it is, it will launch a second-phase consultation of the social partners at EU level. That phase will cover the content of any proposal for action, in accordance with Article 154(3) TFEU.

Further information

The Working Time Directive

<http://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=205>