

Brussels, 21 December 2010

Fresh round of consultation on review of EU working time Directive begins as new implementation report published

As part of its review of the EU [working time Directive](#), the European Commission has today launched the mandatory second stage of consultation with workers' and employers' representatives at EU level. It also presented a detailed [Report on the legal implementation of the Working Time Directive](#) in Member States. The new consultation asks for social partners' views on options to review EU working time rules. It also presents the main results of the first-stage consultation of the social partners ([IP/10/345](#)) and provides an overview of the latest evidence on working time trends and patterns, as well as the social and economic impact of the current rules in Member States.

László Andor, EU Commissioner for Employment, Social Affairs and Inclusion said: *"This second consultation with employers' and workers' representatives focuses on examining their views so as to facilitate an agreement on revising the EU rules on working time. The current situation is not sustainable politically or legally."* He added: *"We need a fresh start and a new EU-level approach to working time. It will not be easy, but I am confident that today's new report on the implementation of the current rules will help us move beyond past discussions and find a balanced solution that mirrors the real needs of workers, consumers and businesses in the 21st century."*

The launch of this consultation paper represents the next step in a new review of EU working time legislation announced by Commission President José Manuel Barroso in late 2009. The review is shaped by a set of policy objectives primarily to adapt the working time to the changing world of work, while protecting workers' health and safety.

The second stage consultation paper asks social partners for their views on two alternative approaches based on either a narrower or a broader scope for the review. It seeks opinions on detailed options that cover key themes such as:

- on-call time
- timing of minimum rest periods
- tackling excessive working hours
- better reconciliation of work and family life and
- clarifying areas whether the law appears unclear.

A wide consensus emerged from the replies of the EU-level workers' and employers' representatives to the first stage consultation. The clear message has been that changes to the current working time rules are urgently needed. There is also a high degree of consensus that EU working time rules should allow greater flexibility for workers' and employers' representatives to negotiate on the details of implementation at the appropriate level.

At the same time, the Commission has presented a detailed Report on the implementation of the current Directive in the Member States. It sets out the current state-of-play, identifying the main areas of non-compliance or of legal uncertainty in the various countries.

The Commission has also presented the first findings of independent studies on the economic and social impact of working time rules and of research on relevant changes in working patterns. These findings mention issues like the detrimental effects that excessive working hours can have on health; the current spending constraints of Member States; and the issue of skills shortages as public and private employers find ways to reduce the impact of the working time rules. The study also suggests that the Directive can act as a catalyst for efficiency gains and a better work-life balance. The Commission will be publishing these results to facilitate the social partners' replies to the consultation.

Background

In 2004, the Commission put forward a proposal to amend the current working time [Directive 2003/88/EC](#). The proposal aimed to clarify the Directive's application to on-call time and what flexibility should apply to the timing of minimum rest periods, whether to give more flexibility in calculating weekly working time; and how to review the individual opt-out from the 48-hour limit to average weekly working time. However, in April 2009, the EU's Council of Ministers and the European Parliament concluded they could not reach agreement on the proposal, despite lengthy negotiations.

Commission President Barroso announced in September 2009, that the incoming Commission would launch a new review of the Directive, based on a two-stage consultation of the social partners in accordance with Article 154 of the Treaty on the Functioning of the European Union (TFEU) and analysis of their views, together with a detailed social and economic impact assessment.

The first phase of consultation was launched in March 2010.

At this stage, workers' and employers' representatives have not communicated a joint desire to enter dialogue on the issues. This is why the Commission is now launching a second-phase consultation of workers' and employers' representatives at EU level.

In parallel to the consultations, the Commission is carrying out an extensive impact assessment of the current rules including an examination of the legal application of the Directive in the Member States. There is also an [independent study](#) of the social and economic impact.

During the second stage of the consultation, the social partners have until end of February 2011 to make their views known to the Commission on different options for amending the Working Time Directive. Based on those replies, the Commission will begin preparing a legislative proposal to amend the Directive, and make a detailed impact assessment of the proposed changes. The legislative proposal could be adopted after that impact assessment is completed – this is planned for the third quarter of 2011. The legislative proposal would then need to be considered and agreed by the Council and the Parliament.

However, the social partners may decide in either phase of consultation to enter into negotiations on these issues themselves, in accordance with Article 155 of the TFEU. Should they do so; the Commission would review the timing and content of its calendar for the proposal.

Further information

The Working Time Directive :

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

Communication : <http://ec.europa.eu/social/BlobServlet?docId=6419&langId=en>

Implementation report :

<http://ec.europa.eu/social/BlobServlet?docId=6420&langId=en>

Independent study : <http://ec.europa.eu/social/BlobServlet?docId=6421&langId=en>