Commission acts to enforce the Directive on working conditions in the international rail sector

The Commission has today sent reasoned opinions to nine Member States for failing to communicate national measures to transpose Directive 2005/47/EC on working conditions in the international rail sector. The countries concerned are Portugal, Germany, Estonia, Greece, Ireland, Italy, Latvia, Luxembourg and France. They now have two months to respond.

Directive 2005/47/EC of 18 July 2005 implements a European agreement between social partners on working conditions for mobile workers in international rail transport. It aims to ensure satisfactory conditions for those working in cross-border rail services and provides for minimum standards in working conditions, driving times, breaks and daily and weekly rest periods. It had to be transposed by the Member States by 27 July 2008 at the latest, after consultation of the social partners.

On 1 October 2008, the Commission sent letters of formal notice – the first stage of the infringement procedure – to 17 Member States having failed to take the necessary national transposing measures (i.e. national laws, regulations and administrative provisions) or notify them within the required time limit.

Nine countries have still not adopted the necessary measures to comply with the Directive or notified these and the Commission has thus decided to issue a reasoned opinion for non-communication to these Member States.

Background

Infringement procedures consist of three steps. The first step is that the Member State receives a letter of formal notice and has two months to respond. In case further compliance with EC legislation is needed, the Commission sends a Reasoned Opinion. Again the Member State has two months to reply. If there is no satisfactory reply, the Commission can refer the matter to the European Court of Justice in Luxembourg. It can also request that the Court impose a fine on the country concerned if it does not comply with the Court's ruling.