



EUROPEAN COMMISSION

PRESS RELEASE

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Working Time: Commission agrees to extend time for social partners' negotiations on reviewing EU rules

The European Commission has agreed to a joint proposal from the European social partners to extend the negotiating period on reviewing the Working Time Directive to 31 December 2012, given that their negotiations are making progress.

László Andor, European Commissioner for Employment, Social Affairs and Inclusion said today: *"The social partners have my best wishes for a successful outcome to their talks on these very important issues. The Commission is willing to provide any support the social partners would find helpful in the context of these negotiations."*

The Commission consulted the European social partners during 2010 about possible changes to the [Working Time Directive](#) (2003/88/EC). Under Article 154 of the TFEU (Treaty on the Functioning of the EU), the Commission must consult with management and labour at EU level before proposing any changes to EU social legislation, including EU labour law. Under Article 154(4) TFEU, the EU level social partners have the right, if the employer and worker representatives so agree, to enter negotiations themselves on what changes should be made.

The review of the Working Time Directive is aimed at updating EU working time rules to take account of profound changes in the world of work and to better meet the needs of employers and workers in the 21st century. Following the Commission's consultations with them, the main cross-sectoral social partners at EU level informed the Commission on 14 November 2011 that they had jointly decided to launch negotiations on reviewing the Working Time Directive. The main cross-sectoral social partners at EU level are BusinessEurope, CEEP (European Centre of Employers and Enterprises providing Public services) and UEAPME (The European Association of Craft, Small and Medium-sized Enterprises) representing employers; and the ETUC (European Trade Union Confederation) representing workers.

The procedure for negotiations is provided in Articles 154 and 155 of the TFEU. The social partners have nine months for their negotiations, but the period can be extended, if the employers' side, the workers' side and the Commission jointly decide to do so. In the case of the Working Time Directive, the social partners' negotiations began in early December 2011 and will now continue, under the extension of time just agreed, up to 31 December 2012.

The social partners enjoy autonomy under the Treaty as regards the content and structure of their negotiations. Out of respect for that autonomy, the Commission does not comment on the content or scope of their negotiations, and will not put forward a legislative proposal during the period provided under the Treaty for their discussions.

If the social partners reach an agreement, they are entitled under Art 155 of the TFEU to ask for its implementation as a Directive. The Commission would then present the social partners' agreement to the EU's Council of Ministers in the form of a Directive. Under the Treaty, the Council may either adopt the agreement as a Directive, or reject it, by qualified majority, but may not amend it. The European Parliament is informed, but is not a co-legislator.)

This procedure has been followed in many previous cases. For example, the 1997 [Part-Time Work Directive](#) (97/81/EC) and the 1999 [Fixed-Term Work Directive](#) (1999/70/EC) are both based on agreements negotiated by the main cross-sectoral social partners at EU level.

If the social partners do not reach an agreement, the Commission would then come forward with a legislative proposal to amend the Directive, based on its previous consultation and impact assessment work.

Background

Under the [Working Time Directive](#) (2003/88/EC), each Member State must (as a minimum) ensure that every worker is entitled to:

- a limit to weekly working time, which must not exceed 48 hours on average, including any overtime
- a minimum daily rest period of 11 consecutive hours in every 24
- a minimum weekly rest period of 24 uninterrupted hours for each seven-day period, which is added to the 11 hours' daily rest
- paid annual leave, of at least four weeks per year
- extra protection in the case of night work (e.g. average working hours should not exceed 8 hours per 24-hour period; night workers should not perform heavy or dangerous work for longer than 8 hours in any 24-hour period).

There are a number of exceptions and derogations, providing flexibility in these rules.

Further information:

Link to EU social dialogue homepage:

<http://ec.europa.eu/social/main.jsp?catId=329&langId=en>

Link to EU working time webpage:

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

Previous press notes on review of the Working Time Directive:

[MEMO/11/789](#) + [IP/10/1760](#)

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