



## EUROPEAN COMMISSION

### MEMO

Brussels, 30 May 2013

May infringements package: main decisions

Reasoned opinions

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#### **Working time: Commission asks ITALY to respect doctors' right to minimum daily and weekly rest periods**

The European Commission has requested Italy to respect the rights of doctors working in public health services to minimum daily and weekly rest periods, as required by Working Time Directive (Directive 2003/88/EC). Under Italian law, several key rights contained in the Working Time Directive, such as the 48-hour limit to average weekly working time and minimum daily rest periods of 11 consecutive hours, do not apply to "managers" operating within the National Health Service. The Directive does allow Member States to exclude "managing executives or other persons with autonomous decision-taking powers" from these rights. However, doctors working in the Italian public health services are formally classified as "managers", without necessarily enjoying managerial prerogatives or autonomy over their own working time. This means that they are unjustly deprived of their rights under the Working Time Directive.

In addition, Italian law contains other provisions and rules that exclude workers in the national health service from the right to minimum daily and weekly rest. The Commission has received several complaints concerning the fact that, as a result of the Directive not being correctly applied, doctors are obliged to work excessive hours without adequate rest.

The request takes the form of a 'reasoned opinion' under EU infringement procedures. Italy now has two months to notify the Commission of the measures taken to bring national legislation in line with EU law. Otherwise, the Commission may decide to refer Italy to the EU's Court of Justice.

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