



**EUROPEAN COMMISSION**

**PRESS RELEASE**

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## **Working time: Commission refers Italy to Court for not respecting EU rules in public health services**

The European Commission has decided to refer Italy to the EU's Court of Justice for failing to apply correctly the [Working Time Directive](#) to doctors in public health services. Currently, Italian law deprives these doctors of their right to a limit on weekly working hours and to minimum daily rest periods.

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.

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. After receiving several complaints, the Commission requested Italy to take the necessary measures to ensure that national law comply with the Directive in a 'reasoned opinion' sent in May 2013 ([MEMO/13/470](#)).

## Background

The [Working Time Directive](#) entitles workers, on health and safety grounds, to work a maximum of 48 hours per week on average, including any overtime. The Directive also entitled workers to a minimum of 11 hours' uninterrupted rest per day, and a minimum additional uninterrupted weekly rest of 24 hours. There is some flexibility to postpone minimum rests for justified reasons, but only condition that the worker can still take all the missed rest hours soon afterwards.

Employed doctors have at all times been covered by the Working Time Directive. However, for doctors in training, the limit to working time was phased in gradually, under special rules, over the period 2000-2009. Since 1 August 2009, the 48-hour limit applies to doctors in training (in a small number of Member States, not including Italy, a transitional limit of 52 hours continued to apply till 31 July 2011). The Directive's rules on minimum rest periods have applied in full to doctors in training in all EU Member States since 1 August 2004.

## For more information

[Working Time Directive](#)

<http://ec.europa.eu/social/main.jsp?langId=en&catId=860>

[More information on infringement procedures](#)

On the general infringement procedure: [MEMO/12/12](#)

On the February infringement package decisions: [MEMO/14/116](#)

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