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Briefing on the Review of the European Working Time Directive 2003/88/EC

Background

In 2004, the Commission put forward a proposal to amend the current working time Directive. 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.

In March 2010 the Commission launched the first phase of consultation of 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 response of the EMOS is related in document [AEMH 10-050](#).

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

In parallel to the consultations, the Commission has carried 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 (*) had until 25 March 2011 to make their views known to the Commission on different options for amending the Working Time Directive. The EMOs response is related in document [AEMH 11-025](#).

Based on the 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.

()social partners are for example: BusinessEurope, the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP) for the employers, and the European Trade Union Confederation (ETUC) for the employees, as well as social partner organisations for specific sectors.*

Documents for consultation

- The Working Time Directive: <http://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=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>

Source: European Commission, unite