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On 16 August 2012 the European Commission agreed to a joint proposal from the Social partners to extend the negotiation period on reviewing the European Working Time Directive to 31 December 2012, « *given that their negotiations are making progress* ».

The last meeting of the cross-sectoral social partners took place 4 December 2012. **It ended with a failure.** Attached you will find the two communications/ statements issued respectively by both the employers and the workers (ETUC -European Trade Union Confederation).

There has been no communication from the Commission so far.

Fact is, that the current **directive 2003/088/EC and the ECJ rulings remain European law.**

The Commission can now propose a text for a new directive. But for EU legislation to be adopted, the Commission, Parliament and Council need to be in agreement, which can be quite a lengthy process. The European calendar with election for European Parliament in 2014 does not seem an appropriate moment for this sensitive dossier.

Nevertheless, the medical profession should remain alert and advocate their interest before the policy-maker and this before new legislation is drafted.

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Meeting EPSU

Rue Joseph II, 40, 1040 Brussels
14 January 2013 14 :30 – 16 :30

Participants :

Carola Fischbach-Pyttel, EPSU General Secretary
Richard Pond, EPSU Officer for Collective Bargaining
Mathias Maucher, EPSU Officer for Health & Social Services

Enrico Reginato, FEMS President
Brigitte Jencik, AEMH EU Liaison Officer

After presentation of the participants, Carola Fischbach reported on the failure of the negotiations with their counter-part of social partners on a possible revision of the European Working Time Directive. The last meeting took place 4th December .

EPSU expressed their disappointment on the negative attitude of the employers, who did not make any acceptable proposal. The general impression is that the trend is rather to less European involvement and even against collective agreements. The commission even threatened with a withdraw of the directive as a whole.

The current directive and the ECJ rulings remain European law. It is to be feared that even more countries (currently 16 !) will apply the opt-out.

The Commission does not seem to be prepared to come with a new draft proposal, in the light of the election for European Parliament in 2014.

Both social partners communicated very briefly on the outcome, there has been no communication at all from the commission.

Conclusion: EPSU and FEMS keep in contact on an informative and consultative basis.

Mathias Maucher expressed his concern on the situation in Slovakia and Czech Republic, which he fears will also gain neighbour countries. Concerning Slovakia, he explained that their Slovak member did expressively ask not take any action towards the national authorities. EPSU and FEMS will follow up closely and agreed on mutual information.

EPSU shares the position of the EMOS against standardisation of medical services and is interested to follow-up on FEMS initiative for minimum standards of health care services.



European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

14/12/2012

Working Time negotiations: we note with regret that the employers proposals are very unbalanced

Convened on 5 and 6 December, the Executive Committee of the European Trade Union Confederation (ETUC) discussed extensively the submitted interim report on the progress of negotiations to revise the European directive on working time. The Committee regretted to note that the "final offer" from the employers was not sufficiently balanced, and consequently did not make it possible to continue the negotiations as such.

There is an obvious link between long and irregular working hours and health problems related to work. The protection of the health and safety of workers must therefore remain the prime objective of any revision of the directive.



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14 December 2012

BUSINESSEUROPE, CEEP and UEAPME regret that the ETUC is not able to continue negotiations on the revision of the working time directive, which is essential to re-establish the conditions for its application in practice.

Employers have made substantial and concrete proposals to solve the crucial issue of on-call time and its link in some countries with the use of the opt out, which allows Member States to derogate from the 48h weekly working time limit. These proposals are to the benefit of both employers and employees.

The distinctive nature of on-call time needs to be defined in the directive to allow legal certainty for a different treatment than working time.

Considering the limited time that remains until the extended deadline set by the European Commission at the end of 2012, we are now at the end of the negotiations.

BUSINESSEUROPE, CEEP and UEAPME remain ready to examine proposals from ETUC, in particular with regard to the latest employers' proposal to which no counterproposal has been tabled.

In case of failure, it would be up to the European Commission to propose a solution to address the problems linked to the current unsatisfactory situation. The credibility of European law needs to be restored.

COMMENTS FROM SIGNATORIES

Markus Beyrer, Director General, BUSINESSEUROPE: *“Private sector companies are clearly impacted by the ECJ rulings on on-call time. That is why from the start of the negotiations we have been committed to finding a cross-sectoral solution on on-call time. Our commitment remains strong. A solution is urgently needed to restore legal certainty and the credibility of EU law. In particular in the current economic climate, this should be the aim of any revision of the directive, rather than creating new social rights. Also important is to maintain the opt-out as a permanent provision of the directive.”*

Valeria Ronzitti, General Secretary, European Centre of Employers and Enterprises providing Public services (CEEP): *“We urge ETUC to answer to the latest employer’s proposal around the negotiating table. Negotiations are based on the principle that “nothing is agreed until everything is agreed” and a non-answer is the worst possible signal in this context. A negotiated solution of the issue of on-call time and its link with the spreading of the opt-out is the highest priority for public services employers, primarily in the interest of their employees. Moreover, the stop of these negotiations will represent a major defeat for European Social Dialogue, which should on the contrary be the best tool to restore the credibility of European law.”*

Andrea Benassi, Secretary General of UEAPME: *“Flexible and legally ensured working time arrangements are absolutely crucial for European crafts and SMEs. That is why we put a lot of hope in the negotiations to revise the working time directive. Our objective was to find workable solutions to the benefit of employers and workers, respecting the health and safety of workers and fixing the issues flagged by the European Court of Justice, notably on “on-call time”. Furthermore, UEAPME would have highly appreciated a twelve-month reference period to calculate the average working time, as a means to strengthen our members’ competitiveness. Not reaching an agreement among EU social partners on such a core issue – despite our best efforts – would be very regrettable. We are still open to realistic solutions, despite the very tight deadline ahead of us.”*

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