



**ASSOCIATION EUROPÉENNE DES MÉDECINS DES HÔPITAUX
EUROPEAN ASSOCIATION OF SENIOR HOSPITAL PHYSICIANS
EUROPÄISCHE VEREINIGUNG DER LEITENDEN KRANKENHAUSÄRZTE
EUROPESE VERENIGING VAN STAFARTSEN
DEN EUROPÆISKE OVERLÆGEFORENING
ΕΥΡΩΠΑΪΚΟΣ ΣΥΛΛΟΓΟΣ ΝΟΣΟΚΟΜΕΙΑΚΩΝ ΙΑΤΡΩΝ ΔΙΕΥΘΥΝΤΩΝ
ASSOCIAZIONE EUROPEA DEI MEDICI OSPEDALIERI
DEN EUROPEISKE OVERLEGEFORENING
ASSOCIAÇÃO EUROPEIA DOS MÉDICOS HOSPITALARES
ASOCIACIÓN EUROPEA DE MÉDICOS DE HOSPITALES
EUROPEISKA ÖVERLÄKARFÖRENINGEN
EVROPSKO ZDRŽENJE BOLNIŠNIČNIH ZDRAVINIKOV
EUROPSKA ASOCIACIA NEMOCNICNÝCH LEKAROV
EUROPSKA UDRUGA BOLNIČKIH LIJEČNIKA**

Document :	AEMH 05/054
Title:	Vote on EWTD of the European Parliament 12th May 2005
Author :	Dr Claude Wetzel, Secretary General FEMS
Purpose :	Information
Distribution :	58th AEMH Plenary Meeting
Date :	May 2005

Revision of Directive 93/104/EC consolidated by Directive 2003/88/EC on certain aspects of the organisation of working time (EWTD)



Dr Claude WETZEL FEMS Secretary General

58th AEMH Plenary Meeting, Athens 2005/05/13

Strasbourg, 2005/05/10 Alejandro CERCAS Report in the EP

- Only 60 Members of European Parliament present !
- Brief statutory presentation
- The work of lobbying was made upstream by the CPME, the PWG, the FEMS and the other EMO since March 2004
- With the Commission (Comm SPIDLA January 20, 2005), Alejandro CERCAS, 93 MEP of the Commission of Employment and Social Affairs, leaders of the political groups of the EP, individual contacts with MEP and Ministers on national level



Commission of employment and social affairs of the European Parliament



- Rapporteur of the revision: Alejandro CERCAS (PSOE)
- Work for compromise to obtain a majority at the EP on the **key-points**
 - On the opt-out > limitation in time 1/1/2010? Will of the EP of suppression of the opt-out
 - On the reference period > annualisation ?
 - Definition of the periods of working time (HOPE demand) > « inactive » periods included in the calculation of the working time but not remunerated by the identical one of the « active » periods
 - Immediate recovery rest and not until 72h
- Discussion in Commission March 15 and 16, 2005
- Adoption of the report in Commission on April 20, 2005: 36 for (70%), 14 against and 1 abstention
- Deliberation at the plenary session of the EP the 10 and votes on May 11, 2005
- Acceleration of the legislative process to lead under the Luxembourg Presidency > more difficult as from July 1, 2005 > the U.K. Presidency !

Strasbourg, 2005/05/11 EP vote in plenary session

- 648 votes cast (729 MEP)
- 345 for the Cercas report (53%), 272 against, 31 abstentions
- Abrogation of the opt-out after a 36 months limited period after the Directive enters into force
- Contrary to the U.K. government, the EP estimates that the maintenance of the opt-out, in addition to adverse effects on the health of the workers (and the safety of patients *note*) introduces a possibility of unfair competition
- Annualisation of the reference period (flexibility)
- The CME/CPD is related to the quality of the physicians working time
- Contrary to the HOPE demand, resident on-call duty is full working time (national negotiation for taking into account)
- The judgements of the CJCE (SiMAP, Jaeger, Pfeiffer) are consolidated

Consequences for the hospitals



- The end of the opt-out is the limitation within 48h weekly working time for all
- The possibility of negotiation on the taking into account of the inactive periods of resident on-call duties, opens a period of social strains in the Member States of the Union, including those which already integrated the EWTD in their national legislation (France, Germany, Spain)
- The CME/CPD is integrated in the device wanted by the EP
- Time is counted:
 - Publication in 2 years (?) + 36 months deadline: **5 years** at best even less
 - Need for reorganization of the operation of the hospitals, in particular of the on-call duty system (resident and non-resident)
 - Need for reinforcement of medical demography and creation of hospital positions (12 years to train a specialist)

Next steps

- Meeting of the Council of Ministers of the Union in June 2005
- Procedure of co-decision (Council of Ministers/EP), 1st reading
- Evolution towards a 2nd or 3rd reading and even a conciliation procedure, under Union Presidencies of Austria or Finland (2006)
- Work to come for the CPME and the EMO will be fundamental, but it is already consolidated by this first success

This legislative arm-wrestling match shows the utility of the EP, the CPME and the OME, *in fine* of the democracy. Otherwise, the risk would exist to see intergovernmental Europe abolishing the social projections