

# Organisation of working time

2004/0209(COD) - 29/04/2009

The Conciliation Committee decided that it was not possible to reach an agreement on the proposed directive on working time. This decision, which was adopted by an overwhelming majority within the EP delegation on the Committee (15 votes to 0, with five abstentions), brought to an end nearly five years of negotiations.

Parliament and Council could not find a compromise on three crucial points: the opt-out, on-call time and multiple contracts.

The main stumbling block was the opt-out clause, which Parliament had wanted to become exceptional and temporary. However, the Council had been unwilling to put an end to the opt-out.

Parliament had also sought to defend the position upheld in rulings by the European Court of Justice, whereby on-call time should be regarded as working time. It felt that the proposals from the Commission and the Council on this issue represented a step backwards compared with ECJ rulings.

Finally, no substantive agreement could be reached on the issue of multiple contracts. For workers covered by more than one employment contract, Parliament considered that working time should be calculated per worker and not per contract.

As no compromise could be found in conciliation, the proposal now lapses and the current directive remains in force. The Commission may, if it so chooses, draft a new proposal from scratch which would again have to be submitted to Parliament for scrutiny. It should be noted that this was the first time that no agreement had been reached at the conciliation stage since the entry into force of the Amsterdam Treaty which significantly extended the scope of the codecision procedure.