Organisation of working time to cover sectors and activities excluded from Directive 93/104/EC

1998/0318(COD) - 22/06/2000 - Final act

PURPOSE: to amend Council Directive 91/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive. COMMUNITY MEASURE: Council Directive 2000/34/EC amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive. CONTENT: Council Directive 93/104/EC concerning certain aspects of the organisation of working time lays down minimum safety and health requirements for the organisation of working time, in respect of periods of daily rest, breaks, weekly rest, maximum weekly working time, annual leave and aspects of night work, shift work and patterns of work. The objective of Directive 2000/34/EC is to include road, air, sea and rail transport, inland waterways, sea fishing, other work at sea and the activities of doctors in training as these are excluded from Directive 93/104/EC. Definitions and provisions included under the modified Directive include the following: - "mobile worker" which refers to any worker employed as a member of travelling or flying personnel by an undetaking which operates transport services for passengers or goods by road, air or inland waterway; - "offshore work" shall mean work performed mainly on or from offshore installations (including drilling rigs), directly or indirectly in connection with the exploration, extraction, or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activites, whether performed from an offshore installation or vessel; - "adequate rest" shall mean that workers have regular rest periods, the duration of which is expressed in units of time and which are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, they do not cause injury to themselves, to fellow workers or ot others and that they do not damage their health, either in the short term or in the longer term. With respect to doctors in training, during a transitional period of five years from 01.08.2004, Member States shall ensure that in no case will the number of weekly working hours exceed an average of 58 during the first three years of the transitional period, an average of 56 for the following two years and an average of 52 for any remaining period. As regards mobile workers and offshore work, Member States shall take the necessary measures to ensure that such workers are entitled to adequate rest, except in certain circumstances. As regards workers on board sea-going fising vessels, Member States shall take the necessary measures to ensure that any worker on board a sea-going fishing vessel flying the flag of a Member State is entitled to adequate rest and to limit the number of hours to 48 hours a week on average calculated over a reference period not exceeding 12 months. In accordance with the general principles of the protection of the health and safety of workers, and for objective or technical reasons concerning the organisation of work, Member States may allow exceptions, including the establishment of reference periods. Such exceptions shall, as far as possible, comply with the standards laid down but may take account ofmore frequent or longer leave periods or the granting of compensatory leave for the workers. In conclusion, not later than 01.08.2009 the Commission shall, after consulting the Member States and management and labour at European level, review the operation of the provisions with regard to workers on board sea-going fishing vessels, and, in particular examine whether these provisions remain appropriate, in particular, as far as health and safety are concerned with a view to proposing suitable amendments if necessary. Not later than 01.08.2005 the Commission shall, after consulting the Member States and management and labour at European level, review the operation of the provisions with regard to workers concerned with the carriage of passengers on regular urban transport services, with a view to presenting, if need be, the appropriate modifications to ensure a coherent and suitable approach to the sector. ENTRY INTO FORCE: 01.08.2000. DEADLINE FOR TRANSPOSITION OF DIRECTIVE: 01.08.2003 except for doctors in training in relation to whom the Directive must be transposed by 01.08.2004.