

Organisation of working time

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The Council met to seek political agreement on the draft directive aimed at amending Directive 2003/88/EC concerning certain aspects of the organisation of working time, on the basis of a set of compromise texts tabled by the Presidency and by the delegations. All delegations and the Commission welcomed the Presidency's determination to achieve an overall agreement.

However, given the differences in the labour market situations and in Member States' views on the necessity of and conditions for maintaining the opt-out, the Presidency regretted that it was once again impossible to attain a qualified majority in favour of any of the options tabled.

The Commission regretted the absence of an agreement, and announced that it would reflect on future action.

The objectives of the Commission proposal were twofold:

- to avoid any consequences of the European Court of Justice's case law, in particular rulings in

the SIMAP and Jaeger cases, which held that on-call duty performed by health professionals and

other workers, when they are required to be physically present at their places of work, must be regarded as working time;

- to review some of the provisions of Directive 2003/88/EC concerning the possibility of not applying the maximum weekly working time (48 hours) if the worker gives his agreement to carry out such work (the "opt-out" provision).

The key issue that was still to be resolved concerned the opt-out provision and the possible phasing-out of its use.