Basic information

1998/0318(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Organisation of working time to cover sectors and activities excluded from Directive 93/104/EC **Subject** 4.15.03 Arrangement of working time, work schedules	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	SMET Miet (PPE-DE)	31/01/2000

Former committee responsible	Former rapporteur	Appointed
EMPL Employment and Social Affairs		

Former committee for opinion	Former rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
TRAN Transport and Tourism	LATAILLADE Pierre (UPE)	20/01/1999
PECH Fisheries	MCMAHON Hugh R. (PSE)	19/01/1999

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2241	2000-01-31
Economic and Financial Affairs ECOFIN	2196	1999-07-12
Transport, Telecommunications and Energy	2142	1998-11-30
Industry	2262	2000-05-18
Social Affairs	2164	1999-03-09
Social Affairs	2182	1999-05-25

Key events

Date	Event	Reference	Summary
24/11/1998	Legislative proposal published	COM(1998)0662	Summary
30/11/1998	Debate in Council		
15/01/1999	Committee referral announced in Parliament, 1st reading		
09/03/1999	Debate in Council		
30/03/1999	Vote in committee, 1st reading		Summary
30/03/1999	Committee report tabled for plenary, 1st reading	A4-0184/1999	
13/04/1999	Debate in Parliament		
05/05/1999	Vote in committee, 1st reading		
12/07/1999	Council position published	08642/1/1999	Summary
23/07/1999	Committee referral announced in Parliament, 2nd reading		
14/10/1999	Vote in committee, 2nd reading		Summary
14/10/1999	Committee recommendation tabled for plenary, 2nd reading	A5-0041/1999	
03/11/1999	Debate in Parliament		Summary
16/11/1999	Decision by Parliament, 2nd reading	T5-0098/1999	Summary
31/01/2000	Parliament's amendments rejected by Council		Summary
24/02/2000	Formal meeting of Conciliation Committee		Summary
03/04/2000	Final decision by Conciliation Committee		
06/04/2000	Joint text approved by Conciliation Committee co-chairs	3618/2000	
04/05/2000	Report tabled for plenary, 3rd reading	A5-0129/2000	
16/05/2000	Debate in Parliament		
17/05/2000	Decision by Parliament, 3rd reading	T5-0218/2000	Summary
18/05/2000	Decision by Council, 3rd reading		
22/06/2000	Final act signed		
22/06/2000	End of procedure in Parliament		
01/08/2000	Final act published in Official Journal		

Technical information

Procedure reference	1998/0318(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 137-p2 Rules of Procedure EP 52-p1
Stage reached in procedure	Procedure completed

Committee dossier	CODE/5/12488

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0184/1999 OJ C 219 30.07.1999, p. 0008	30/03/1999	
Text adopted by Parliament, 1st reading/single reading		T4-0303/1999 OJ C 219 30.07.1999, p. 0174-0234	14/04/1999	Summary
Text adopted by Parliament confirming position adopted at 1st reading		T4-0415/1999 OJ C 279 01.10.1999, p. 0252-0269	06/05/1999	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0041/1999 OJ C 158 07.06.2000, p. 0009	14/10/1999	
Text adopted by Parliament, 2nd reading		T5-0098/1999 OJ C 189 07.07.2000, p. 0019-0040	16/11/1999	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0129/2000 OJ C 059 23.02.2001, p. 0006	04/05/2000	
Text adopted by Parliament, 3rd reading		T5-0218/2000 OJ C 059 23.02.2001, p. 0070-0092	17/05/2000	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	08642/1/1999 OJ C 249 01.09.1999, p. 0017	12/07/1999	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1998)0662	24/11/1998	Summary
Reconsultation	SEC(1999)0581	28/04/1999	
Commission communication on Council's position	SEC(1999)1190	19/07/1999	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1999)0699	20/01/2000	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
	Economic and Social Committee:	CES0332/1999		

EESC	opinion, report	OJ C 318 18.05.1999, p. 0033	25/03/1999	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3618/2000	06/04/2000	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 2000/0034 OJ L 195 01.08.2000, p. 0041	Summary

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

1998/0318(COD) - 24/11/1998 - Legislative proposal

OBJECTIVE: to amend the Directive 93/104/EC concerning the organisation of working time to cover sectors and activities excluded from that Directive. CONTENT: it is planned to amend the working time directive in order to cover non-mobile workers, including doctors undergoing training. The amended directive will also apply to all workers in the rail transport sector (mobile and non-mobile) and so-called "offshore" workers, with specific derogations for these workers. In addition, mobile workers in road, air and inland waterway transport and workers in the sea fishing sector will be guaranteed adequate protection and a limit on their annual working hours. They will also be covered by the provisions of the directive relating to 4 weeks' paid annual leave and by a number of basic provisions for night workers and shift workers, including health assessments. In addition to extending the scope of Directive 93/104/EC, the proposal makes provision for: 1) a number of new definitions: "mobile worker"(i.e. workers in sea fisheries and road and rail transport, travelling personnel and workers in the inland waterway sector). However, this definition does not include seafarers covered by another proposal; "adequate rest" (the definition does not set a figure but proposes an approach which takes account of the damage to the health of the worker or another person); 2) a number of derogations: certain amendments have been proposed in order to clarify that the derogations apply to certain activities excluded in the past from the scope of the directive on working hours. The examples cited refer to "railway staff on board trains", the activities of doctors undergoing training, other workers directly affected by transport services and personnel working in oil production. A new provisional derogation has been introduced with regard to the maximum working week for doctors undergoing training, who may work up to 54 hours per week over a four month reference period. It should be noted that the proposed amendment takes account of the case law of the European Court of Justice on Sunday rest (the provisions of the working time directive on Sunday rest have therefore been deleted).

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.

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

1998/0318(COD) - 31/01/2000

The Council was not in a position to take up the amendments approved by the European Parliament in its second reading. As a result, the conciliation committee is convoked, in line with the codecision procedure.

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

1998/0318(COD) - 20/01/2000 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts four of Parliament's amendments in full, and a further three in principle. It rejects three amendments. Amendments accepted in full: - 'Own account' drivers are not defined as mobile workers and will receive the full protection of the Directive. - The possibility of derogation for offshore workers is not restricted to off-shore work. - Derogation in respect of urban transport workers - this amendment removes words considered to be superfluous. Amendments accepted in principle: - Limits on working time of mobile and offshore workers. - Limits on working time of workers on board sea-going fishing vessels · a maximum of 48 hours a week on average calculated over a reference period of 12 months is accepted. - Workers in urban passenger transport · a review within 5 years is accepted. Amendments not accepted : The Commission rejected the amendments on Sunday rest and on adequate rest. It also rejected the amendment on doctors in training. On the latter it does, however, propose to allow a transitional period of seven years from the date of adoption for implementation of the 48-hour maximum weekly working time on average, where there is an agreement between the employer and the workers' representative. This would be subject to a maximum of 54 hours a week on average over a reference period of 4 months for calculation of the average. The Commission considers this a more realistic proposal than the Parliament's amendment in favour of a transitional period of 4 years and the Council's common position, which provides for a total transitional period of 13 years.

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

1998/0318(COD) - 19/07/1999 - Commission communication on Council's position

The Commission welcomes the fact that the Council has reached a common position in good time which is broadly supportive of its initial proposal. However, it greatly regaret the Council's amendments regarding doctors in training, sea-fishermen and the extension to four year of the implementation period.

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

1998/0318(COD) - 06/05/1999 - Text adopted by Parliament confirming position adopted at 1st reading

Following the entry into force of the Treaty of Amsterdam on 01/05/99, the European Parliament confirmed as its first reading under codecision procedure its vote of 14/04/99 on the proposal for a European Parliament and Council directive amending directive 93/104/EC concerning certain aspects of the organisation of working time in the sectors and activities excluded from that directive.

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

1998/0318(COD) - 14/04/1999 - Text adopted by Parliament, 1st reading/single reading

At first reading under cooperation procedure, the European Parliament adopted the report by Raphaël M.G. Chanterie (PPE,BE), which approves the Commission proposal for a Council directive amending directive 93/104/EC of 23/11/93 concerning certain aspects of the organisation of working time to cover sectors and activities excluded from the directive, subject to amendments, notably in the following areas: - noting that neither the Commission in its proposal of 20/09/90, nor the European Parliament in its opinion of 20/02/91 has accepted the exclusion of certain sectors and certain activities from the relevant directive; - stating (more generally than the original proposal) that the health and safety of workers must be protected at the workplace, not because they belong to one particular sector or activity, but because they are workers; - as regards sectoral legislation for mobile workers, stating that a complementary and parallel approach is needed in the provisions on transport safety and the health and safety of the workers concerned; - stating that account needs to be taken of the specific nature of both activities at sea and of doctors in training; - suggesting that the Commission should bring forward a new proposal on the question of Sunday working during the global revision of the proposed directive; - recalling the judgment of the Court of Justice that directive 93/104/EC accords with the principles of subsidiarity and proportionality set out in the EC Treaty; - extending the definition of mobile worker within the meaning of the proposed directive to include personnel employed in rail or road passenger transport services, who work on scheduled services covering a distance of not more than 50 kilometres; - defining share-fishermen within the meaning of the directive as crew members of a fishery vessel whose remuneration consists solely of a share in the vessel's yield/proceeds; - shortening the transitional period for the derogation of doctors in training from the provisions on maximum weekly working time from 7 to 4 years; - including share fishermen in the new provisions proposed by the Commission with regard to mobile workers and offshore work; - modifying the provisions in relation to determining reference periods for the calculation of average working times.

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

1998/0318(COD) - 16/11/1999 - Text adopted by Parliament, 2nd reading

The European Parliament approved its resolution concerning the Council's common position, drafted by Mrs. Miet SMET (EPP, B) on the Commission's proposal regarding the organisation of working time, subject to several amendments. The Parliament's main amendments were as follows: - the reintroduction of the 2-year transposition period, as proposed in its first reading; - the reintroduction of its first reading amendment on Sunday working; - not to accept inclusion of own-account transport operators in the definition of mobile workers; - not to accept the inclusion of sea-fishermen in this proposal but to introduce a maximum of a 48 hour working week over a reference period of 12 months; - a procedure which would enable there to be equal health and safety rotection for all workers concerned with urban passenger transport (whether by road or rail); - to reintroduce Parliament's first reading position on the transition period for doctors in training (4 years) with maximum weekly working hours (54 hours) over a 4 month reference period; - allow a derogation on the reference period for offshore workers but subject to consultation with and negotiation between the social partners and to review within 5 years.

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

1998/0318(COD) - 12/07/1999 - Council position

The Council's common position follows the Commission's proposal fairly closely except in three important respects: 1) The transitional provisions in respect of doctors in training. In its proposal, the Commission had made provision for a transitional period of seven years from the date of adoption, during which the number of weekly working hours would on average be 48, with a maximum number of 54 hours per week over a four-year reference period, subject to an agreement between the two sides of industry. The common position provides for a three stage transitional period, with maxima of 60, 56 and 52 hours, over nine years. This is in addition to a four-year implementation period, i.e. a total of 13 years. Furthermore, the common position contains an obligation for the employer to consult the representatives of employees with a view to reaching agreement. It also provides for a reference period of up to 12 months in the first part of the transitional period and up to 6 months thereafter. 2) The adoption of specific provisions in respect to seafishermen. The Commission proposed that mobile workers in sea fishing would have a guarantee of adequate rest and a limit on the maximum hours to be worked annually. Except in the case of share-fishermen, they would also be covered by the Directive's provisions on 4 weeks' paid annual leave and certain basic provisions for night workers and shift workers, including health assessments. In addition, the Commission intended to make a separate specific proposal for a Directive on the working time and rest periods of sea-fishermen (as well as arrangements for paid leave for share-fishermen). The Council has taken a different approach. It has introduced a new Article (17B) containing minimum provisions in respect of these workers. These include a provision for adequate rest and provisions adapted from the seafarers' agreement regarding minimum hours of rest or maximum hours of work to sea-fishermen. Similar possibilities for exception are allowed. These provisions are to be reviewed not later than nine years from the date of adoption of the Directive (Article 2A of the amending Directive). The Council also agreed to apply the annual leave provisions of Directive 93/104/EC to 'share-fishermen', who are employees, while underlining that it is for Member States to determine, pursuant to Art. 7 of that Directive, the conditions for entitlement to, and granting of such leave, including the arrangements for payments. The Directive does not apply to self-employed workers. 3) The implementation period : the Council agreed a four-year implementation period, instead of the two years proposed by the Commission. The Council made a number of other detailed changes which concern the definitions of 'adequate rest' and 'offshore work', a clarification of Art. 14 (more specific Community provisions) and changes to the derogations, including clarification that derogations from the provisions relating to adequate rest can be allowed in case of 'force majeure', etc.

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

1998/0318(COD) - 17/05/2000 - Text adopted by Parliament, 3rd reading

At its third reading, the European Parliament approved the joint text decided upon by the Conciliation Committee on the organisation of working time.