Basic information

2001/2073(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Organisation of working time: state of implementation of Directive 93/104 /EC. Report **Subject** 4.15.03 Arrangement of working time, work schedules	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	KOUKIADIS Ioannis (PSE)	18/01/2001

Committee for opinion	Rapporteur for opinion	Appointed
PECH Fisheries	ATTWOOLL Elspeth (ELDR)	23/01/2001
RETT Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	
FEMM Women's Rights and Equal Opportunities	THEORIN Maj Britt (PSE)	24/04/2001

Council of the European Union

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	

Key events

Date	Event	Reference	Summary
01/12/2000	Non-legislative basic document published	COM(2000)0787	Summary
02/05/2001	Committee referral announced in Parliament		
08/01/2002	Vote in committee		
08/01/2002	Committee report tabled for plenary	A5-0010/2002	
07/02/2002	Decision by Parliament	T5-0072/2002	Summary

07/02/2002	Debate in Parliament		
07/02/2002	End of procedure in Parliament		
21/11/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2001/2073(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/5/14644

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0010/2002	08/01/2002	
Text adopted by Parliament, single reading		T5-0072/2002 OJ C 284 21.11.2002, p. 0217-0362 E	07/02/2002	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2000)0787	01/12/2000	Summary

Organisation of working time: state of implementation of Directive 93/104 /EC. Report

2001/2073(COS) - 07/02/2002 - Text adopted by Parliament, single reading

The European Parliament voted 88 votes to 5 with 3 abstentions in favour of the resolution drafted by Mr Ioannis KOUKIADIS (PES, GR). Overall, the House welcomes the fact that new directives cover the areas excluded from the scope of the original directive. However, it regrets the fact that some Member States Member States, in order to avoid reporting the measures missing from full transposition of the directive, resort to the tactic of claiming that their existing legislation covers the provisions of the directive. It also regrets the fact that, although the relevant provisions are worded in such a way as to leave room for manoeuvre, and lengthy transitional periods were provided, many Member States have displayed a reluctance to implement the directive in a correct and timely fashion. Therefore, it calls for an investigation into why the Member States refuse to comply with certain of the directive's provisions and calls on the Commission to examine and report on cases where the directive has supposedly been transposed and effectively applied but which actually make a mockery of the principles of the directive and fail to apply them, because of confusion created by exclusions and exceptions. The Commission is also asked to monitor the effects for the sea fishing and fish processing industries of being covered by different rules and to comment on these effects in its implementation reports. It calls on the Commission to ensure that the Member States which transpose the directive by means of collective labour agreements see to it that all workers are covered. The Commission is called upon to investigate the conditions of application of the directive to new working time patterns such as precarious work, part-time work and fixed-term work. It is suggested that the Commission should study the particular characteristics of the work of home workers, whose numbers are rising as teleworking becomes more widespread, in order to make use of the suggestions contained in the ILO's recommendation of 1996, to encourage the social partners in negotiating

the directive on teleworking and to regulate the relevant working time issues. Parliament calls on the Commission to make special checks on the compatibility with the directive of working time regulations governing pregnant women, women in the post-natal period, the disabled, trainees and apprentices, and minors. Lastly, the Parliament stresses that the Commission must ensure that separate laws cover overtime night work and that the uncertainty regarding the method of calculating maximum working time is removed, and accordingly that an overall ceiling on permitted work is clearly set out. It also stresses that since the right to paid leave is a fundamental right, it must be guaranteed for all categories of workers, in proportion to the period of employment spent with an employer; special care should be taken to ensure that paid holidays are included in short term employment contracts. The Commission is called upon to coordinate the monitoring of the application of the Working Time Directive with the monitoring of compliance with the obligations imposed within the framework of the directive on the health and safety of workers, so that the level of protection of all workers regarding health and safety can be assessed as a whole.

Organisation of working time: state of implementation of Directive 93/104 /EC. Report

2001/2073(COS) - 01/12/2000 - Non-legislative basic document

PURPOSE : to report on the state of implementation of Council Directive 93/104/EC concerning certain aspects of the organisation of working time. CONTENT : this report gives a general overview of the way in which Member States have implemented the abovementioned Council Directive. In the majority of Member States the implementation has taken place by a great number of different legislative and/or administrative acts and, as the case may be, collective agreements. Consequently, in this report it is not possible to provide an exhaustive detailed examination of all national implementation measures. The report will provide a general analysis of the situation in Member States. The deadline for implementation of the Working Time Directive was set at 23 November 1996 at the latest. However, only Germany, Sweden, Finland, Spain and the Netherlands notified the Commission of their national measures of implementation by the date of implementation. Italy and France are yet to notify all of their national implementing measures offically to the Commission. The analysis of measures taken by the latter Member States is, therefore, not based on first hand information from the authorities of the Member States. The report concludes that the general level of implementation of the Working Time Directive in Member States is relatively good. However, with prejudice to the more detailed comments presented under the preceding chapters, the Commission would like to draw attention to some general issues. First, some Member States have entirely excluded categories of workers, who do not fall within the scope of the exclusions allowed by Article 3(1) of the Working Time Directive or Article 2 of Directive 89/391/EC. The fact that some of these categories fall within the scope of Article 17(1) of the Working Time Directive does not permit a total exclusion of these workers. Furthermore, in some cases the scope of the national measures in respect of the derogation under Article 17(1) of the Directive may have been excluded beyond the aim of the derogation. Second, in some Member States, due to the structure of the national legislation on the limits on working time, which differentiates between regular working times and overtime without setting an absolute limit over a given reference period, there is a risk that the average weekly working time of 48 hours is not always respected. This risk is particularly acute in situations where a major proportion of the overtime allowed is worked during a short reference period. Third, in some Member States there is a qualifying period for the entitlement to annual leave. Article 7 of the Directive lays down a right to 4 weeks annual leave for all workers which, in appropriate cases, may be given on a pro rata temporis basis. Furthermore, in some Member States, due to the detailed rules for the entitlement to annual leave,workers may not be able to take any leave during the first year of their employment. Fourth, in a number of Member States there are important shortcomings in respect of the regulation of night work. In particular, in some Member States there is no legislation on night work and in some Member States the limits on night time work do not include overtime. Lastly, in some Member States the implementaiton of the Directive has been carried out in a way which makes it doubtful as to whether the transposal guarantees that the Directive has been incorporated into domestic law in a sufficiently clear and precise manner and in such a way as to ensure the proper application of the Directive.