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Date :	03 – 12 -2009	Document	F09-101 EN
Title / Titre:	Info : EWTD : Commission to start second round of talks		
Author/ Auteur :	EuropeanVoice.com		

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EMPLOYMENT Working time

Commission to start second round of working time talks

By **Jim Brunsten**

05.11.2009 / 05:14 CET

First attempt at a deal collapsed in April.

The European Commission will in the coming weeks begin its second attempt to overhaul EU rules on working time. Its first attempt collapsed – after five years of discussion – in April, amid mutual recriminations between national governments and MEPs.

The Commission insists that despite the theoretical maximum 48-hour working week under the current rules, the legal situation is unsustainable, because many member states apply opt-outs.

The Commission is to ask trade unions and employers representatives to negotiate changes to the current legislation, which dates from 1993. If they reach agreement, the Commission will present their text for adoption by MEPs and national governments. If they do not, the Commission will draw up its own legislative proposal. The consultation of unions and employers is a compulsory step before the Commission can present a new proposal in this area.

The reform attempt launched in September 2004 was intended to mitigate the impact of rulings by the European Court of Justice. The court ruled in 2000 that doctors' on-call time should count as working time, prompting a rapid increase in the number of member states applying opt-outs.

It also ruled in 2003 that employees who exceed their normal working hours should be granted compensatory rest immediately after their shift.

Discussions between Parliament and the Council of Ministers became deadlocked over whether national governments should relinquish their opt-outs in exchange for concessions on on-call time. The European Parliament called for an end to opt-outs, but this was opposed by the UK, with support from other member states.

Broad reforms

The Commission is planning a broader reform of the directive than was considered last time, both because the directive now requires greater modernisation, and because it is determined to avoid simply repeating the previous deadlock.

"I believe we have to look at this directive from a wider perspective. The world of work has changed since the adoption of the directive more than 15 years ago," said Vladimír Špidla, the European commissioner for employment and social affairs.

Špidla's preferred option would be an agreement among



HOPING FOR AGREEMENT Vladimír Špidla. EC

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the European social partners – the employers and unions. “In the recent past we have seen successful negotiations of the social partners which were transposed unchanged into EU legislation. I trust that social partners will look at the issue with an open mind,” he added.

But John Monks, general-secretary of the European Trade Union Confederation, is “quite sceptical” that employers and unions will be able to reach a deal. He said that the future of national opt-outs and the status of on-call time remain the key issues that need to be resolved if reform is to be achieved.

“It’s going to come down again to those two things,” he said. In his view, the working time dossier is a “battlefield that is well worn”, and requires “political decision rather than fresh negotiations”.

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