

WRITTEN QUESTION E-1674/04

by Ieke van den Burg (PSE) and Emine Bozkurt (PSE)
to the Commission

Subject: Amendment of the Netherlands Working Hours Act

On 18 December 2003, the Netherlands Government announced that it wished to simplify the Netherlands Working Hours Act of 1996. Apart from deregulation and individual workers' allegedly reduced need for protection, the main argument is that in this way the Netherlands' international labour market position can be improved. In this connection the government specifically mentions the accession of the ten new Member States, 'whose legislation on working hours and rest periods is largely based on the European directive (93/104/EC¹). Where the rules in force in the Netherlands are more restrictive than is necessary under the directive and in accordance with other international obligations, this disparity can be eliminated.'

1. If an amendment to Netherlands legislation were to be based on such grounds, how compatible would this be with the non-regression clause in Article 18(3) of the directive, pursuant to which 'implementation of this Directive shall not constitute valid grounds for reducing the general level of protection afforded to workers'?
2. Would not amendments to the legislation on working hours and rest periods with the aim of allowing longer working hours run counter to the objective of the directive and of Article 2 and the former Article 118 of the EC Treaty, on which the directive is based, namely to ensure a higher standard of protection of health and safety for workers?
3. Does the Commission agree that it would be appropriate to warn the Netherlands Government that it should refrain from going ahead with its proposals and should not set an undesirable precedent which would result in European directives having the reverse of the intended effect because they would come to be interpreted as maximum rather than minimum standards?

¹ OJ L 307, 13.12.1993, p. 18.