

WRITTEN QUESTION P-3515/02
by Theodorus Bouwman (Verts/ALE)
to the Commission

Subject: Implications of the Simap judgment of 3 October 2000 (Case C-303/98) for Directive 2000/34/EC (the Working Time Directive) and the working practices of the Rotterdam Professional Fire Service

No doubt the Commission is aware of the assertions made by the Court of Justice in Luxembourg in the Simap judgment of 3 October 2000 (Case C-303/98). No doubt the Commission has taken steps to point out to the Member States the implications of the Simap judgment, read in conjunction with Directive 2000/34/EC¹, which lays down that time on call and on stand-by are to be interpreted as working time within the meaning of the Directive and therefore count in the calculation of the maximum working week of 48 hours.

Is the Commission aware that, in many sectors in the Netherlands, a good two years after the ruling, no action has been taken on the Court's judgment and that the Netherlands Government has not taken the measures required to terminate this breach of Community law, for example in the case of the professional fire service, where working weeks of between 54 and 60 hours are not uncommon?

If the Commission is aware of these circumstances, has it brought infringement proceedings against the Netherlands, or will it do so, and when? If the Commission is not so aware, will it investigate the matter?

Will the Commission indicate what it deems a reasonable period following the Court's ruling within which a Member State, in compliance with Community law, should guarantee the rights of workers 'established' by the judgment?

¹ OJ L 195, 1.8.2000, p. 41.