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No agreement reached on the Working Time Directive

Parliament and Council could not find a compromise on three crucial points: the opt-out, on-call time and multiple contracts. This is the first time that no agreement could be reached at the Conciliation stage since the entry into force of the Amsterdam Treaty which significantly extended the scope of the codecision procedure.

The Conciliation Committee, composed of delegations from Parliament and Council decided that it was not possible to reach an agreement. This decision was adopted by an overwhelming majority within the EP delegation (15 votes in favour, 5 abstentions and 0 against). The main stumbling block was the opt-out.

Opt-out

"Unfortunately, after five years of negotiations, it was not possible to reach an agreement. The EP negotiation team made several proposals on the opt-out so that it would become 'exceptional and temporary'. The opt-out cannot be forever. On the Council side, any attempt to put an end to the opt-out was not acceptable", said Mechtild Rothe (PES, DE), leading the EP delegation.

"This is very sad. However, a bad agreement would have worsened the situation of workers in general and of doctors in particular. We have left the future open and hope to have a solution with the new Commission and the new Parliament", said Alejandro Cercas (PES, ES), rapporteur.

"Despite all efforts from the Parliament, this decision makes it clear that a minority of Member States wants to bury some fundamental values that have existed since the origin and the development of the European social model", said the EPP-ED group shadow rapporteur Jose Silva Peneda (PT).

"It's a pity. I wished that the Council has moved on the opt-out to put an end to it", said Jan Andersson (PES, SV), Chair of the Employment and Social Affairs Committee, also member of the negotiation team.

On call-time and multiple contracts

According to rulings by the European Court of Justice, on-call time should be regarded as working time. This position was defended by the European Parliament, in its vote on 17 December 2008.

The proposals from the Commission and the Council on the issue of on-call time went backward in comparison to ECJ rulings, MEPs said.

No substantive agreement on the issue of multiple contracts could be reached either. For workers covered by more than one employment contract, MEPs considered that working time should be calculated per worker and not per contract.

Press release

Next steps

This is the first time that no agreement could be found via conciliation since the Amsterdam Treaty which significantly extended the scope of the codecision procedure. During next week's plenary session, Vice-President Mechtild Rothe will make a statement which will be followed by a debate (on Monday 4 May).

Since there is no agreement, the current directive remains into force, though the Commission can draft a new proposal from scratch. Such new legislation would need to take account the rulings of the European Court of Justice on-call time.

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