

EN
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Answer given by Mr Schmit
on behalf of the European Commission
(3.9.2024)

Far from being an anti-labour instrument, the Working Time Directive¹ sets out minimum requirements for the protection of the health and safety of workers in all sectors of activity. The provisions of the Directive give specific form to the fundamental right of every worker to a limitation of maximum working hours and to daily and weekly rest periods, which is expressly enshrined in Article 31(2) of the Charter of Fundamental Rights.

The Directive does not differentiate between ‘active and ‘inactive’ periods of working time, as the concepts of working time and rest time are mutually exclusive². The Court of Justice has given extensive interpretation of these concepts for the purpose of implementing the Working Time Directive³.

The Directive does not prevent Member States from applying national provisions or permitting the application of collective agreements more favourable to the protection of the safety and health of workers than the minimum standards it sets⁴.

The Commission encourages social dialogue and the negotiation and conclusion of collective agreements regulating the employment and working conditions of workers. The Commission supported the High Level Group of experts on social dialogue set up in Greece in 2018 and is monitoring the implementation of its conclusions. However, the functioning of national social dialogue, including that of the collective bargaining framework, is the responsibility of each Member State. In June 2023, on a proposal from the Commission, the Council of the EU adopted the Recommendation on strengthening social dialogue in the EU⁵. The Commission will monitor, in consultation with Member States and the social partners, the implementation of the Recommendation at national level.

¹ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003, p. 9.

² Article 2 of Directive 2003/88/EC.

³ See in particular part IV of the Communication from the Commission, Corrigendum to Interpretative Communication on Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time, 2023/C 143/06, OJ C 143, 26.04.2023, p. 11–77, available at [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023XC0324\(01\)R\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023XC0324(01)R(01))

⁴ Article 15 of Directive 2003/88/EC.

⁵ <https://data.consilium.europa.eu/doc/document/ST-10542-2023-INIT/en/pdf>