

EN

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Answer given by Executive Vice-President Mînzatu
on behalf of the European Commission
(22.8.2025)

Contrary to being an anti-worker instrument, Directive 2003/88/EC¹ sets out minimum requirements for the protection of the health and safety of workers, including limits to working time (not more than 48 hours a week on average, including overtime), minimum daily and weekly rest (at least 11 consecutive hours of daily rest and 35 hours of uninterrupted weekly rest), paid annual leave (at least four weeks per year) and extra protection for night workers. Under the Directive, a 13-hour working day is allowed only if the average maximum weekly working time of 48 hours in the reference period of four months is respected.

Member States may, by national law or collective agreements, derogate from some requirements of the Directive for specific activities², or by collective agreements, for any activity. However, for all derogations the workers concerned must receive equivalent periods of compensatory rest or, exceptionally, other appropriate protection.

As Directive 2003/88/EC does not harmonise the laws of Member States, it does not prevent them from applying national provisions or permitting the application of collective agreements more favourable to the protection of workers³.

The Commission promotes social dialogue in line with the Treaty on the Functioning of the European Union⁴. The Pact for Social Dialogue⁵ of 5 March 2025 reaffirmed the importance of social dialogue in the EU. However, the functioning of national social dialogue, including that of the collective bargaining framework, falls under the responsibility of Member States. The Recommendation on strengthening social dialogue in the EU⁶ advises Member States to ensure an enabling environment for social dialogue, enable collective bargaining at all appropriate levels and promote a higher collective bargaining coverage.

¹ <http://data.europa.eu/eli/dir/2003/88/oj>.

² Such as those involving the need for continuity of service or production, for example, under Article 17(3)(c) (viii), for workers concerned with the carriage of passengers on regular urban transport services.

³ Article 15 of Directive 2003/88/EC.

⁴ Article 152 of the Treaty on the Functioning of the European Union.

⁵ Pact for European social dialogue, concluded between the Commission and the EU-level social partners https://employment-social-affairs.ec.europa.eu/document/download/93c513bd-9faa-4ba7-a4c7-9a06505790fc_en?filename=Pact%20for%20European%20Social%20Dialogue_signed%20version.pdf.

⁶ <http://data.europa.eu/eli/C/2023/1389/oj> Adopted by the Council in June 2023, on a proposal from the Commission. The Commission will monitor, in consultation with Member States and the social partners, the implementation of the Recommendation at national level.