(English version)

Question for written answer E-003950/25
to the Commission
Tomáš Zdechovský (PPE)
(8 October 2025)

Subject: Application of Directive 2003/88/EC on working time to security and rescue services

Directive 2003/88/EC on working time, as interpreted by recent case law of the Court of Justice of the European Union, is applied extensively, including to members of fire brigades, police forces and the armed forces in several of the Member States. This creates considerable difficulties, as the inclusion of on-call duty within working time undermines traditional and proven operational models of security and rescue services, which require permanent readiness and flexibility. In the current context of increasing global security challenges, terrorism, hybrid threats and natural disasters, such an interpretation risks weakening the crisis-response capacity of both the Member States and the EU as a whole.

In the light of the above:

1. How does the Commission evaluate the impact of the current interpretation of Directive 2003/88/EC on the operational readiness of firefighters, police officers and members of the armed forces?

2. Does the Commission intend to adopt implementing acts or specific derogations to ensure that security and rescue services can maintain continuous readiness without breaching the directive?

3. If no amendment is envisaged, how will the Commission provide legal clarity and flexibility to the Member States to ensure that the application of the directive does not jeopardise public safety and effective crisis management?

Submitted: 8.10.2025

Answer given by Executive Vice-President Mînzatu on behalf of the European Commission
(12 November 2025)

1. As regards the interpretation of the Working Time Directive ([1]), the Court of Justice of the European Union has held that periods of 'on-call' duty, during which a worker must remain at the workplace and be available to resume work in case of need, constitute 'working time' in their entirety; where a worker is not required to remain at a place determined by the employer, the 'stand-by' period only qualifies as 'working time' when the constraints imposed by the employer have an objective and very significant impact on their ability to freely manage the time during which their professional services are not required.

2. The directive offers significant flexibilities to establish derogations ([2]) under certain conditions, notably in the case of activities requiring continuity of service ([3]). The Court has held that the directive may be temporarily disapplied for certain activities in circumstances whose gravity and scale are exceptional. Moreover, in specific circumstances, activities performed by members of military personnel are excluded from the scope of the directive ([4]).

The Commission is engaging with Member States and social partners on the application of the directive to military personnel in the Armed Forces, as a follow-up to the Commission communication accompanying the Defence Readiness Omnibus ([5]).

3. In 2023 the Commission adopted an Interpretative Communication on the Working Time Directive ([6]) which aims to increase legal certainty and clarity, including as regards the application of the directive to workers in the field of public safety and crisis management.

([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. 9-19 — https://eur-lex.europa.eu/eli/dir/2003/88/oj/eng.
([2]) From Articles 3 (Daily rest), 4 (Breaks), 5 (Weekly rest period), 8 (Length of night work), and 16 (Reference periods).
([3]) Article 17 of Directive 2003/88/EC.
([4]) Judgment in Case C-742/19, Ministrstvo za obrambo — https://curia.europa.eu/juris/liste.jsf?num=C-742/19.
([5]) Communication from the Commission to the European Parliament and the Council — Defence Readiness Omnibus, COM(2025) 820 final, 17.6.2025 — https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025DC0820.
([6]) Corrigendum to Communication from the Commission, Interpretative Communication on Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time, OJ C 143, 26.4.2023, p. 8-77 — https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2023.143.01.0008.01.ENG&toc=OJ%3AC%3A2023%3A143%3ATOC.