

EN

E-000695/2026

Answer given by Executive Vice-President Mînzatu  
on behalf of the European Commission  
(9.7.2026)

The European Social Charter is a treaty of the Council of Europe<sup>1</sup>. The obligations under this treaty are a matter for the Council of Europe to examine.

The national Working Time Act<sup>2</sup>, that implements Directive 2003/88/EC,<sup>3</sup> applies to the Defence forces in this case and this is not contested (point 83 of the decision).

The Directive does not regulate the issue of remuneration for work performed during public holidays, nor is there any other EU law specifically governing pay for overtime hours.

The Directive does not make separate provisions for overtime, which is counted as working time. Member States must require employers to set up, at a reasonable cost, an objective, reliable and accessible system enabling the duration of time worked by worker to be measured, in order to ensure the effectiveness of the Directive<sup>4</sup>. It is for the competent national authorities, to ensure that national rules, including those transposing Directive 2003/88/EC, are correctly and effectively applied.

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<sup>1</sup> <https://rm.coe.int/168007cf93>.

<sup>2</sup> S.I. No. 11/2025 – European Communities (Organisation of Working Time) (Defence Forces) Regulations 2025 of 20 January 2025.

<sup>3</sup> 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>.

<sup>4</sup> Judgment of 14 May 2019, Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SAE, C-55/18, ECLI:EU:C:2019:402.