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EUROPEAN COMMISSION
Directorate-General Employment, Social Affairs and Inclusion

The Director-General

Brussels,

To the attention of the Social Partners' organisations

Subject: Consultation on the practical implementation of Directive 2003/88/EC concerning certain aspects of the organisation of working time

Dear Madam, dear Sir,

The social dialogue Communication of 26 June 2002 states that in the context of Article 137 directives, "*the Commission will consult the social partners when preparing reports on the directives concerned*". Article 24(2) of Directive 2003/88/EC concerning certain aspects of the organisation of working time (the Working Time Directive) stipulates that "*Member States shall report to the Commission every five years on the practical implementation of the provisions of this Directive, indicating the viewpoints of the two sides of industry.*"

The services of the European Commission are writing to all Member States, asking them to forward their national reports, including the views of the social partners at national level. These reports will then be taken into account in preparing a report by the Commission on the application of the Working Time Directive, according to Article 24(3). In addition, the information provided in the reports will be useful in the context of the impact assessment on the future of the Working Time Directive that the Commission is currently undertaking.

I would be grateful for your replies and comments on the enclosed questionnaire within four months from the date of this letter (EMPL-LABOUR-LAW@ec.europa.eu).

Yours sincerely,

Michel Servoz

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111
Office: J27 08/028

Common format for reports by the social partners on the practical implementation of Directive 2003/88/EC concerning certain aspects of the organisation of working time[1]

1. TRANSPOSITION

Do you consider that the Working Time Directive has been transposed in a satisfactory way in the EU Member States?

If you consider that there is room for concern about transposition in specific sectors or concerning specific provisions, please give details.

If you consider that transposition of the Directive has been particularly satisfactory in any respect, please give details.

2. SOCIAL PARTNERSHIP

Do you consider that the social partners have been sufficiently consulted and involved by the national authorities before the adoption of national measures transposing the Directive, as well as concerning the practical implementation of these measures?

The Directive provides at Articles 17 and 18 for derogations by means of collective agreements or agreements concluded between the two sides of industry. Please indicate how you evaluate the experience in this regard. Are there any examples which you consider as providing possible models of good practice?

3. MONITORING OF IMPLEMENTATION

Please indicate whether you consider that the enforcement and monitoring of the Directive at national level is satisfactory.

If you see any problems, please indicate their overall impact and make recommendations for improvement.

Can you identify any examples of good practice as concerns monitoring and enforcement?

4. EVALUATION

[1] The previous national reporting exercise launched in 2007 resulted in the adoption in 2010 of the *Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on implementation by Member States of Directive 2003/88/EC ('The Working Time Directive*, COM(2010) 802 final. The final report was accompanied by a Commission staff working paper: *Detailed report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time ('The Working Time Directive')*, SEC(2010) 1611 final.

Please describe any evaluation work carried out under your authority.

Please indicate what were the main conclusions as regards the socio-economic impact of the transposing measures, in particular on:

- workers' health and safety
- work/life balance
- business flexibility/competitiveness
- consumers/service users
- SMEs
- administrative/regulatory burden.

Does the practical application of the Directive in the Member States, in your view, meet the objectives of the Directive (i.e. to protect and improve the health and safety of workers, while providing flexibility in the application of certain provisions and avoiding imposing unnecessary constraints on SMEs)?

5. OUTLOOK

Please indicate:

- any priorities for your organisation in this subject area;
- any proposal for additions or changes to the Directive, stating the reasons;
- any flanking measures at EU level which you consider could be useful.