

Ms Marianne Thyssen

Commissioner for Employment,
Social Affairs, Skills and Labour Mobility
European Commission
Rue de la Loi 200
BE – 1049 Brussels

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Dear Commissioner,

Besides answering the public consultation, CEEP hereby wishes to reiterate how crucial a revision of the Working Time Directive is for employers providing public services on a 24/7 basis.

We have been asking for a change since 2003, namely since the SiMAP and Jaeger judgments had introduced a re-interpretation of the concept of working time. Although many of our members have tried to adapt working time arrangements to overcome the unsustainable situation created by a multiplication of ECJ rulings, we do not deem those adaptations always fit for purpose and sustainable. In particular, this has entailed a growing use of opt out in public services, whereas, before those Rulings, this measure was almost unknown to public services' employers. However, when the directive is no longer a viable regulation, the opt-out is a way out.

It is important that the directive is changed in a way that makes it applicable decreasing the recourse to the opt-out. To tackle this and the many other facets that a proper working time legislation should cover, the approach to a revision must be clearly based on the recognition that the world is very different today in comparison to what it was over 20 years ago, and that the Working Time Directive, as it stands, does not reflect at all those changes. Hence, a revision should be based on a complete shift of paradigm and provide a cross-sectoral framework solution to today's employers' and workers' needs.

To adapt and face the transformations within the labour market, the Working Time Directive should become a stable, clear and more certain legal instrument, able to give the needed flexibility to national law or collective bargaining in order to address the matters which are highly dependent of national circumstances and practice of the labour law. Social partners in particular are able to offer a more tailored and concrete approach to solve the real issues at stake.

We very much hope that you will take all the above points into consideration when analysing the answers to the public consultation and remain at your disposal for further exploring with you the best way forward.

Yours sincerely,



Valeria Ronzitti
General Secretary