(English version)

Question for written answer E-001833/24
to the Commission
Alice Teodorescu Måwe (PPE)
(26 September 2024)

Subject: Targeted revision of the Working Time Directive (2003/88/EC)

The EU Working Time Directive (2003/88/EC) is causing ever greater problems in Sweden. In 2021, the Commission announced that the provisions of several Swedish collective agreements, in particular with regard to 24-hour shifts (known in Swedish as *dygnspass*), were in breach of the directive's rules on daily rest periods. Since then, the social partners have been forced to renegotiate a number of collective agreements. As a result, 24-hour shifts are no longer allowed. This has already had serious consequences, not least for people who use personal assistance services, but also when it comes to the recruitment of staff in the emergency services and personal assistants, among others.

In the light of the foregoing:

1. Does the Commission intend to initiate a targeted review of the Working Time Directive so that, in future, the social partners in Sweden can conclude agreements to restore 24-hour shifts and derogations from the rules on daily rest periods?

2. Does the Commission see any other reasons to revise the Working Time Directive, for example the need for urgent action to bolster the European defence industry?

Submitted: 26.9.2024

Answer given by Mr Schmit on behalf of the European Commission
(4 November 2024)

Directive 2003/88/EC ([1]) lays down minimum safety and health requirements for the organisation of working time, including minimum 11 consecutive hours of daily rest.

The directive offers significant flexibilities to establish derogations in sectors and situations where this is necessary, including in the defence industry.

Member States may derogate from daily rest for specific activities, such as those involving the need for continuity of service or production.

These derogations may be adopted by national law or collective agreements. Derogations can be introduced for any activity, if adopted by collective agreements. For all derogations the workers concerned must receive equivalent periods of compensatory rest or, exceptionally, appropriate protection.

In *Jaeger ([2])*, the Court emphasised the health and safety implications of missing minimum rest periods and held that compensatory rest for missed daily rest must follow immediately after the working time it is supposed to counteract.

Only in entirely exceptional circumstances, where granting equivalent compensatory rest is impossible for objective reasons, appropriate protection can be permissible.

Accordingly, the directive opens the possibility in certain circumstances for shifts to last 24 hours continuously, provided that the conditions to derogate from daily rest are fulfilled.

Member States may choose whether to implement derogations enshrined in the directive and whether to entrust national social partners with it.

The Commission currently does not intend to propose a revision of the directive ([3]).

([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.
([2]) Judgment of 9 September 2003, *Landeshauptstadt Kiel v Norbert Jaeger*, C-151/02, ECLI:EU:C:2003:437.
([3]) For more details on European defence industry see the reply to E-001846/2024.