



14 December 2012

BUSINESSEUROPE, CEEP and UEAPME regret that the ETUC is not able to continue negotiations on the revision of the working time directive, which is essential to re-establish the conditions for its application in practice.

Employers have made substantial and concrete proposals to solve the crucial issue of on-call time and its link in some countries with the use of the opt out, which allows Member States to derogate from the 48h weekly working time limit. These proposals are to the benefit of both employers and employees.

The distinctive nature of on-call time needs to be defined in the directive to allow legal certainty for a different treatment than working time.

Considering the limited time that remains until the extended deadline set by the European Commission at the end of 2012, we are now at the end of the negotiations.

BUSINESSEUROPE, CEEP and UEAPME remain ready to examine proposals from ETUC, in particular with regard to the latest employers' proposal to which no counterproposal has been tabled.

In case of failure, it would be up to the European Commission to propose a solution to address the problems linked to the current unsatisfactory situation. The credibility of European law needs to be restored.

COMMENTS FROM SIGNATORIES

Markus Beyrer, Director General, BUSINESSEUROPE: *“Private sector companies are clearly impacted by the ECJ rulings on on-call time. That is why from the start of the negotiations we have been committed to finding a cross-sectoral solution on on-call time. Our commitment remains strong. A solution is urgently needed to restore legal certainty and the credibility of EU law. In particular in the current economic climate, this should be the aim of any revision of the directive, rather than creating new social rights. Also important is to maintain the opt-out as a permanent provision of the directive.”*

Valeria Ronzitti, General Secretary, European Centre of Employers and Enterprises providing Public services (CEEP): *“We urge ETUC to answer to the latest employer’s proposal around the negotiating table. Negotiations are based on the principle that “nothing is agreed until everything is agreed” and a non-answer is the worst possible signal in this context. A negotiated solution of the issue of on-call time and its link with the spreading of the opt-out is the highest priority for public services employers, primarily in the interest of their employees. Moreover, the stop of these negotiations will represent a major defeat for European Social Dialogue, which should on the contrary be the best tool to restore the credibility of European law.”*

Andrea Benassi, Secretary General of UEAPME: *“Flexible and legally ensured working time arrangements are absolutely crucial for European crafts and SMEs. That is why we put a lot of hope in the negotiations to revise the working time directive. Our objective was to find workable solutions to the benefit of employers and workers, respecting the health and safety of workers and fixing the issues flagged by the European Court of Justice, notably on “on-call time”. Furthermore, UEAPME would have highly appreciated a twelve-month reference period to calculate the average working time, as a means to strengthen our members’ competitiveness. Not reaching an agreement among EU social partners on such a core issue – despite our best efforts – would be very regrettable. We are still open to realistic solutions, despite the very tight deadline ahead of us.”*

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