

Mr Stravros Dimas  
Member of the European Commission  
European Commission  
200 rue de la Loi  
B-1049 Brussels

2 June 2004

THE SECRETARY GENERAL

Dear Commissioner,

### **Second consultation on working time**

Following publication of the second consultation document of the Commission on the revision of directive 93/104/EC on working time, I would like to inform you of UNICE's views on the content of a revised directive and on the prospects of negotiations on this subject in the social dialogue.

Concerning the content, UNICE would like to recall that working time flexibility is crucial for employers but is also in the interest of workers and is essential to fulfil the Lisbon goals. For this reason, UNICE would support a revised directive which would

- average the reference period for calculating weekly working time over 12 months as a general rule, with a possibility to extend it beyond 12 months by collective agreement,
- extend the reference period for the weekly rest period from 7 to 14 days,
- retain the right for individuals to opt out from the 48-hour rule and foresee explicitly opt-outs by means of collective agreements,
- distinguish between the time when a worker is resting at the workplace and the time when he/she is actually working by considering only time actually worked as working time and rest periods as rest even if this rest occurs at the workplace,
- not expand the directive beyond the area of occupational health and safety.

Concerning the prospects of negotiations, in the light of the ETUC reactions to the Commission consultation documents, UNICE sees no prospect for reaching agreement on how to revise the directive through negotiations in the social dialogue.

UNICE is currently assessing the details of the options included in the second consultation document and will come back in due course with further comments in order to contribute to the ongoing debate on this important issue.

Yours sincerely, *Best regards,*

  
Philippe de Buck