

WRITTEN QUESTION P-2138/03
by Theodorus Bouwman (Verts/ALE)
to the Commission

Subject: Breach of the directive on working time (directive dealing with a number of aspects of the organisation of working time) by several Member States

Not least through the proceedings of the working group of national experts, the Commission is no doubt aware that a number of Member States have failed to comply with the judgment handed down by the Court of Justice of the European Communities in the SIMAP case (C-303/98).

Can the Commission answer the following questions:

1. Is it true that the above-mentioned working group of national experts is considering means of restricting or nullifying the implications of the SIMAP judgment?
2. In its answer to an earlier question (P-3515/02¹), the Commission made clear that the Member States must take the measures required to implement the directive and comply with the Court of Justice judgment. However, the answer also reveals that the Netherlands, where waiting periods are still regarded as rest periods and workers in some sectors work considerably more than 48 hours per week, has failed to comply with the judgment. Accordingly, the Netherlands has been in breach of EU law for almost 1000 days since 3 October 2000. Is it therefore not high time that infringement proceedings were started?
3. Would it be right to assume that the continuing failure, after almost three years, to complete the impact study or the fact that the directive is to be assessed in late 2003 will have no bearing on the decision to launch infringement proceedings?

¹ OJ C 110 E, 8.5.2003, p. 217.