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<th>AEMH 05/054</th>
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<td>Author :</td>
<td>Dr Claude Wetzel, Secretary General FEMS</td>
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<td>Purpose :</td>
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<td>Distribution :</td>
<td>58th AEMH Plenary Meeting</td>
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Revision of Directive 93/104/EC consolidated by Directive 2003/88/EC on certain aspects of the organisation of working time (EWTD)

Dr Claude WETZEL - FEMS Secretary General
58th AEMH Plenary Meeting, Athens 2005/05/13

Commission of employment and social affairs of the European Parliament

- Rapporteur of the revision: Alejandro CERCAS (PSOE)
- Work for compromise to obtain a majority at the EP on the key points
  - On the opt-out > limitation in time 1/1/2007: Will of the EP of suppression of the opt-out?
  - On the reference period > annualisation ?
  - Definition of the periods of working time (HOPE demand) > inactive periods included in the calculation of the working time but not remunerated by the identical one of the active periods
  - Immediate recovery rest and rest until 72h
  - Adoption of the report in Commission on April 20, 2005: 36 for (70%), 70% , 14 against and 1 abstention
  - Deliberation at the plenary session of the EP the 10 and votes on May 11, 2005
  - Acceleration of the legislative process to lead under the Luxembourg Presidency > more difficult as from July 1, 2005 > the U.K. Presidency !

Strasbourg, 2005/05/10
Alejandro CERCAS Report in the EP
- Only 60 Members of European Parliament present !
- Brief statutory presentation
- The work of lobbying was made upstream by the CPME, the PWG, the FEMS and the other EMO since March 2004
- With the Commission (Comm SPI DLA January 20, 2005), Alejandro CERCAS, 93 MEP of the Commission of Employment and Social Affairs, leaders of the political groups of the EP, individual contacts with MEP and Ministers on national level

Strasbourg, 2005/05/11
EP vote in plenary session
- 648 votes cast (729 MEP)
- 345 for the Cercas report (53%), 272 against, 31 abstentions
- Abrogation of the opt-out after a 36 months limited period after the Directive enters into force
- Contrary to the U.K. government, the EP estimates that the maintenance of the opt-out in addition to adverse effects on the health of the workers (and the safety of patients non) introduces a possibility of unfair competition
- Annualisation of the reference period (flexibility)
- The CME/CPD is related to the quality of the physicians working time
- Contrary to the HOPE demand, resident on-call duty is full working time (national negotiations for taking into account)
- The judgements of the CJET (SIMAP, Jürgen, Pfeiffer) are consolidated

Consequences for the hospitals

- The end of the opt-out is the limitation within 48h weekly working time for all
- The possibility of negotiation on the taking into account of the inactive periods of resident on-call duties, opens a period of social strains in the Member States of the Union, including those which already integrated the EWTD in their national legislation (France, Germany, Spain)
- The CME/CPD is integrated in the device wanted by the EP
- Time is counted:
  - In years: 7 > 36 months deadline: 5 years at best even less
  - Need for reorganization of the operation of the hospitals, in particular of the on-call duty system (residents and non-residents)
  - Need for reinforcement of medical demography and creation of hospital positions (12 years to train a specialist)

Next steps

- Meeting of the Council of Ministers of the Union in June 2005
- Procedure of co-decision (Council of Ministers/EP), 1st reading
- Evolution towards a 2nd or 3rd reading and even a conciliation procedure, under Union Presidencies of Austria or Finland (2006)
- Work to come for the CPME and the EMO will be fundamental, but it is already consolidated by this first success

This legislative arm-wrestling match shows the utility of the EP, the CPME and the EMO, in fine of the democracy. Otherwise, the risk would exist to see intergovernmental Europe abolishing the social projections

Europe abolishing the social projections