

SOC/125
Organisation of working time
(codified version)

Brussels, 18 September 2002

OPINION

of the Economic and Social Committee

on the

**Proposal for a Directive of the European Parliament and of the Council concerning
certain aspects of the organisation of working time (codified version)**

COM(2002) 336 final - 2002/0131 (COD)

On 19 July 2002, the Council decided to consult the Economic and Social Committee, under Article 137 of the Treaty establishing the European Community, on the

Proposal for a Directive of the European Parliament and of the Council concerning certain aspects of the organisation of working time (codified version)
(COM (2002) 336 final - 2002/0131 (COD)).

The Economic and Social Committee decided to appoint **Ms Giacomina Cassina** as rapporteur-general for its opinion.

At its 393rd plenary session (meeting of 18 September 2002), the Economic and Social Committee adopted the following opinion by 68 votes to none with one abstention.

1. The Proposal for a Directive of the European Parliament and of the Council concerning certain aspects of the organisation of working time – COM (2002) 336 final – is the codified version of Directives 93/104/EC¹ and 2000/34/EC².
2. The codification process is a response to the need to make the Community's legislation a source of legal certainty, as indicated by the Edinburgh European Council in December 1992.
3. The simplification and codification of texts is not a new concern. Back in April 1987, the Commission decided to instruct its staff to codify legislation after no more than ten amendments. Last year, the Commission³ published a programme aimed at speeding up the codification of the corpus of Community legislation.
4. If possible, laws ought to be codified as soon as the first amendments are made. In the case of the directive concerned by this opinion, the codification follows the Court of Justice ruling⁴ on the action brought by the United Kingdom in 1994, confirming the legal basis and amending Article 5.
5. A codification must not make any changes to the content. Having examined the proposal, which combines the texts of the two directives named in point 1 in a logical manner and makes them clearer, the Committee believes that the text in question fully upholds this basic principle and has no issue to raise.

¹ Council Directive of 23 November 1993 concerning certain aspects of the organisation of working time.

² Directive of the European Parliament and of the Council of 22 June 2000, amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive

³ COM(2001) 645 final of 21.11.2001 "Communication from the Commission to the European Parliament and the Council – Codification of the *acquis communautaire*"

⁴ Judgment of 18 November 1996 (Case C-84/94)

5.1. The Committee therefore endorses the proposal and hopes to see its swift approval by the Parliament and the Council.

Brussels, 18 September 2002

The President
of the
Economic and Social Committee

The Secretary-General
of the
Economic and Social Committee

Göke Frerichs

Patrick Venturini
