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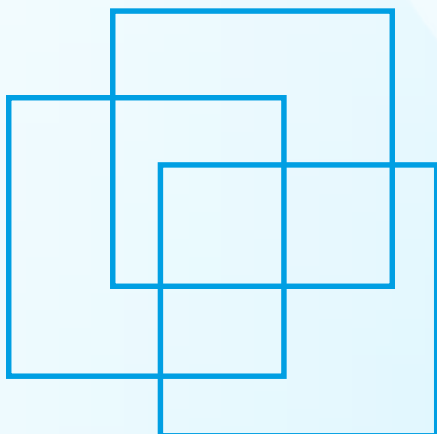


Проект виконується
Міжнародною організацією праці

«Зміцнення адміністрації праці
з метою покращення умов праці
і подолання незадекларованої праці»

**TRAINING FOR THE MEMBERS OF THE WORKGROUP
ON THE DEVELOPMENT OF THE TABLE OF
CONCORDANCE BETWEEN THE NATIONAL
LEGISLATION AND THE DIRECTIVE No. 2003/88/EC
OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL OF 4 NOVEMBER 2003**

«Enhancing the Labour Administration
Capacity to Improve Working Conditions
and Tackle Undeclared Work»



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This Project is funded by
the European Union



This Project is implemented by
the International Labour Organization

EU-ILO Project
ENHANCING THE LABOUR ADMINISTRATION CAPACITY
TO IMPROVE WORKING CONDITIONS AND TACKLE UNDECLARED WORK

**Training for the members of the workgroup on the development
of the Table of Concordance between the national legislation and
the Directive No. 2003/88/EC of the European Parliament and of the Council,
of 4 November 2003 concerning certain aspects of the
organization of working time**

05 December 2017

room 1914, Ministry of Social Policy of Ukraine
8/10, Esplanadna Str.

*Consecutive English/Ukrainian interpretation provided

- | | |
|-------------|--|
| 09:00-09:30 | Registration of participants |
| 09:30-11:00 | Presentation of the Directive 2003/88/EC of 4 November 2003 and
explanation of its key provisions
Antonio Santos , EU - ILO Project Manager |
| 11:00-11:30 | Coffee break |
| 11:30-12:30 | Resume of the training session |
| 12:30-13:30 | Lunch break |
| 13:30-15:00 | Resume of the training session (if necessary) |
| 15:00-16:00 | Presentation and discussion of the template of the Table of Concordance
between the national legislation and the Directive 2003/88/EC
Antonio Santos , EU-ILO Project Manager |
| 16:00-17:00 | Development of the working group work plan (activities, timetable and
responsible persons) for the execution of the Table of Concordance between
the national legislation and the Directive 2003/88/EC |

Distribution materials:

1. Directive 2003/88/EC;
2. Table of the List of legislation to be revised;
3. Table of Concordance between the national legislation and the Directive 2003/88/EC;
4. PP Presentation on the provisions of the Directive 2003/88/EC.

Content

1. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organization of working time
2. Presentation of the Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003
3. Table 1 (List of revised legislation)
4. Table 2 (Table of concordance)
5. Table 3 (Table of concordance workplan)
6. Timetable for the Trainings on EU Directives

DIRECTIVE 2003/88/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 4 November 2003
concerning certain aspects of the organisation of working time

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Council Directive 93/104/EC of 23 November 1993, concerning certain aspects of the organisation of working time ⁽³⁾, which lays down minimum safety and health requirements for the organisation of working time, in respect of periods of daily rest, breaks, weekly rest, maximum weekly working time, annual leave and aspects of night work, shift work and patterns of work, has been significantly amended. In order to clarify matters, a codification of the provisions in question should be drawn up.
- (2) Article 137 of the Treaty provides that the Community is to support and complement the activities of the Member States with a view to improving the working environment to protect workers' health and safety. Directives adopted on the basis of that Article are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.
- (3) The provisions of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁴⁾ remain fully applicable to the areas covered by this Directive without prejudice to more stringent and/or specific provisions contained herein.
- (4) The improvement of workers' safety, hygiene and health at work is an objective which should not be subordinated to purely economic considerations.

- (5) All workers should have adequate rest periods. The concept of 'rest' must be expressed in units of time, i.e. in days, hours and/or fractions thereof. Community workers must be granted minimum daily, weekly and annual periods of rest and adequate breaks. It is also necessary in this context to place a maximum limit on weekly working hours.
- (6) Account should be taken of the principles of the International Labour Organisation with regard to the organisation of working time, including those relating to night work.
- (7) Research has shown that the human body is more sensitive at night to environmental disturbances and also to certain burdensome forms of work organisation and that long periods of night work can be detrimental to the health of workers and can endanger safety at the workplace.
- (8) There is a need to limit the duration of periods of night work, including overtime, and to provide for employers who regularly use night workers to bring this information to the attention of the competent authorities if they so request.
- (9) It is important that night workers should be entitled to a free health assessment prior to their assignment and thereafter at regular intervals and that whenever possible they should be transferred to day work for which they are suited if they suffer from health problems.
- (10) The situation of night and shift workers requires that the level of safety and health protection should be adapted to the nature of their work and that the organisation and functioning of protection and prevention services and resources should be efficient.
- (11) Specific working conditions may have detrimental effects on the safety and health of workers. The organisation of work according to a certain pattern must take account of the general principle of adapting work to the worker.
- (12) A European Agreement in respect of the working time of seafarers has been put into effect by means of Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Ship-owners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) ⁽⁵⁾ based on Article 139(2) of the Treaty. Accordingly, the provisions of this Directive should not apply to seafarers.

⁽¹⁾ OJ C 61, 14.3.2003, p. 123.

⁽²⁾ Opinion of the European Parliament of 17 December 2002 (not yet published in the Official Journal) and Council Decision of 22 September 2003.

⁽³⁾ OJ L 307, 13.12.1993, p. 18. Directive as amended by Directive 2000/34/EC of the European Parliament and of the Council (OJ L 195, 1.8.2000, p. 41).

⁽⁴⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁵⁾ OJ L 167, 2.7.1999, p. 33.

- (13) In the case of those 'share-fishermen' who are employees, it is for the Member States to determine, pursuant to this Directive, the conditions for entitlement to, and granting of, annual leave, including the arrangements for payments.
- (14) Specific standards laid down in other Community instruments relating, for example, to rest periods, working time, annual leave and night work for certain categories of workers should take precedence over the provisions of this Directive.
- (15) In view of the question likely to be raised by the organisation of working time within an undertaking, it appears desirable to provide for flexibility in the application of certain provisions of this Directive, whilst ensuring compliance with the principles of protecting the safety and health of workers.
- (16) It is necessary to provide that certain provisions may be subject to derogations implemented, according to the case, by the Member States or the two sides of industry. As a general rule, in the event of a derogation, the workers concerned must be given equivalent compensatory rest periods.
- (17) This Directive should not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex I, part B,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER 1

SCOPE AND DEFINITIONS

Article 1

Purpose and scope

1. This Directive lays down minimum safety and health requirements for the organisation of working time.
2. This Directive applies to:
 - (a) minimum periods of daily rest, weekly rest and annual leave, to breaks and maximum weekly working time; and
 - (b) certain aspects of night work, shift work and patterns of work.
3. This Directive shall apply to all sectors of activity, both public and private, within the meaning of Article 2 of Directive 89/391/EEC, without prejudice to Articles 14, 17, 18 and 19 of this Directive.

This Directive shall not apply to seafarers, as defined in Directive 1999/63/EC without prejudice to Article 2(8) of this Directive.

4. The provisions of Directive 89/391/EEC are fully applicable to the matters referred to in paragraph 2, without prejudice to more stringent and/or specific provisions contained in this Directive.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

1. 'working time' means any period during which the worker is working, at the employer's disposal and carrying out his activity or duties, in accordance with national laws and/or practice;
2. 'rest period' means any period which is not working time;
3. 'night time' means any period of not less than seven hours, as defined by national law, and which must include, in any case, the period between midnight and 5.00;
4. 'night worker' means:
 - (a) on the one hand, any worker, who, during night time, works at least three hours of his daily working time as a normal course; and
 - (b) on the other hand, any worker who is likely during night time to work a certain proportion of his annual working time, as defined at the choice of the Member State concerned:
 - (i) by national legislation, following consultation with the two sides of industry; or
 - (ii) by collective agreements or agreements concluded between the two sides of industry at national or regional level;
5. 'shift work' means any method of organising work in shifts whereby workers succeed each other at the same working stations according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for workers to work at different times over a given period of days or weeks;
6. 'shift worker' means any worker whose work schedule is part of shift work;
7. 'mobile worker' means any worker employed as a member of travelling or flying personnel by an undertaking which operates transport services for passengers or goods by road, air or inland waterway;
8. 'offshore work' means work performed mainly on or from offshore installations (including drilling rigs), directly or indirectly in connection with the exploration, extraction or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activities, whether performed from an offshore installation or a vessel;

9. 'adequate rest' means that workers have regular rest periods, the duration of which is expressed in units of time and which are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, they do not cause injury to themselves, to fellow workers or to others and that they do not damage their health, either in the short term or in the longer term.

CHAPTER 2

MINIMUM REST PERIODS — OTHER ASPECTS OF THE ORGANISATION OF WORKING TIME

Article 3

Daily rest

Member States shall take the measures necessary to ensure that every worker is entitled to a minimum daily rest period of 11 consecutive hours per 24-hour period.

Article 4

Breaks

Member States shall take the measures necessary to ensure that, where the working day is longer than six hours, every worker is entitled to a rest break, the details of which, including duration and the terms on which it is granted, shall be laid down in collective agreements or agreements between the two sides of industry or, failing that, by national legislation.

Article 5

Weekly rest period

Member States shall take the measures necessary to ensure that, per each seven-day period, every worker is entitled to a minimum uninterrupted rest period of 24 hours plus the 11 hours' daily rest referred to in Article 3.

If objective, technical or work organisation conditions so justify, a minimum rest period of 24 hours may be applied.

Article 6

Maximum weekly working time

Member States shall take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers:

- (a) the period of weekly working time is limited by means of laws, regulations or administrative provisions or by collective agreements or agreements between the two sides of industry;
- (b) the average working time for each seven-day period, including overtime, does not exceed 48 hours.

Article 7

Annual leave

1. Member States shall take the measures necessary to ensure that every worker is entitled to paid annual leave of at least four weeks in accordance with the conditions for entitlement to, and granting of, such leave laid down by national legislation and/or practice.

2. The minimum period of paid annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated.

CHAPTER 3

NIGHT WORK — SHIFT WORK — PATTERNS OF WORK

Article 8

Length of night work

Member States shall take the measures necessary to ensure that:

- (a) normal hours of work for night workers do not exceed an average of eight hours in any 24-hour period;
- (b) night workers whose work involves special hazards or heavy physical or mental strain do not work more than eight hours in any period of 24 hours during which they perform night work.

For the purposes of point (b), work involving special hazards or heavy physical or mental strain shall be defined by national legislation and/or practice or by collective agreements or agreements concluded between the two sides of industry, taking account of the specific effects and hazards of night work.

Article 9

Health assessment and transfer of night workers to day work

1. Member States shall take the measures necessary to ensure that:

- (a) night workers are entitled to a free health assessment before their assignment and thereafter at regular intervals;
- (b) night workers suffering from health problems recognised as being connected with the fact that they perform night work are transferred whenever possible to day work to which they are suited.

2. The free health assessment referred to in paragraph 1(a) must comply with medical confidentiality.

3. The free health assessment referred to in paragraph 1(a) may be conducted within the national health system.

*Article 10***Guarantees for night-time working**

Member States may make the work of certain categories of night workers subject to certain guarantees, under conditions laid down by national legislation and/or practice, in the case of workers who incur risks to their safety or health linked to night-time working.

*Article 11***Notification of regular use of night workers**

Member States shall take the measures necessary to ensure that an employer who regularly uses night workers brings this information to the attention of the competent authorities if they so request.

*Article 12***Safety and health protection**

Member States shall take the measures necessary to ensure that:

- (a) night workers and shift workers have safety and health protection appropriate to the nature of their work;
- (b) appropriate protection and prevention services or facilities with regard to the safety and health of night workers and shift workers are equivalent to those applicable to other workers and are available at all times.

*Article 13***Pattern of work**

Member States shall take the measures necessary to ensure that an employer who intends to organise work according to a certain pattern takes account of the general principle of adapting work to the worker, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate, depending on the type of activity, and of safety and health requirements, especially as regards breaks during working time.

CHAPTER 4

MISCELLANEOUS PROVISIONS*Article 14***More specific Community provisions**

This Directive shall not apply where other Community instruments contain more specific requirements relating to the organisation of working time for certain occupations or occupational activities.

*Article 15***More favourable provisions**

This Directive shall not affect Member States' right to apply or introduce laws, regulations or administrative provisions more favourable to the protection of the safety and health of workers or to facilitate or permit the application of collective agreements or agreements concluded between the two sides of industry which are more favourable to the protection of the safety and health of workers.

*Article 16***Reference periods**

Member States may lay down:

- (a) for the application of Article 5 (weekly rest period), a reference period not exceeding 14 days;
- (b) for the application of Article 6 (maximum weekly working time), a reference period not exceeding four months.

The periods of paid annual leave, granted in accordance with Article 7, and the periods of sick leave shall not be included or shall be neutral in the calculation of the average;

- (c) for the application of Article 8 (length of night work), a reference period defined after consultation of the two sides of industry or by collective agreements or agreements concluded between the two sides of industry at national or regional level.

If the minimum weekly rest period of 24 hours required by Article 5 falls within that reference period, it shall not be included in the calculation of the average.

CHAPTER 5

DEROGATIONS AND EXCEPTIONS*Article 17***Derogations**

1. With due regard for the general principles of the protection of the safety and health of workers, Member States may derogate from Articles 3 to 6, 8 and 16 when, on account of the specific characteristics of the activity concerned, the duration of the working time is not measured and/or predetermined or can be determined by the workers themselves, and particularly in the case of:

- (a) managing executives or other persons with autonomous decision-taking powers;
- (b) family workers; or
- (c) workers officiating at religious ceremonies in churches and religious communities.

2. Derogations provided for in paragraphs 3, 4 and 5 may be adopted by means of laws, regulations or administrative provisions or by means of collective agreements or agreements between the two sides of industry provided that the workers concerned are afforded equivalent periods of compensatory rest or that, in exceptional cases in which it is not possible, for objective reasons, to grant such equivalent periods of compensatory rest, the workers concerned are afforded appropriate protection.

3. In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 and 16:

- (a) in the case of activities where the worker's place of work and his place of residence are distant from one another, including offshore work, or where the worker's different places of work are distant from one another;
- (b) in the case of security and surveillance activities requiring a permanent presence in order to protect property and persons, particularly security guards and caretakers or security firms;
- (c) in the case of activities involving the need for continuity of service or production, particularly:
 - (i) services relating to the reception, treatment and/or care provided by hospitals or similar establishments, including the activities of doctors in training, residential institutions and prisons;
 - (ii) dock or airport workers;
 - (iii) press, radio, television, cinematographic production, postal and telecommunications services, ambulance, fire and civil protection services;
 - (iv) gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants;
 - (v) industries in which work cannot be interrupted on technical grounds;
 - (vi) research and development activities;
 - (vii) agriculture;
 - (viii) workers concerned with the carriage of passengers on regular urban transport services;
- (d) where there is a foreseeable surge of activity, particularly in:
 - (i) agriculture;
 - (ii) tourism;
 - (iii) postal services;
- (e) in the case of persons working in railway transport:
 - (i) whose activities are intermittent;
 - (ii) who spend their working time on board trains; or
 - (iii) whose activities are linked to transport timetables and to ensuring the continuity and regularity of traffic;

(f) in the circumstances described in Article 5(4) of Directive 89/391/EEC;

(g) in cases of accident or imminent risk of accident.

4. In accordance with paragraph 2 of this Article derogations may be made from Articles 3 and 5:

- (a) in the case of shift work activities, each time the worker changes shift and cannot take daily and/or weekly rest periods between the end of one shift and the start of the next one;
- (b) in the case of activities involving periods of work split up over the day, particularly those of cleaning staff.

5. In accordance with paragraph 2 of this Article, derogations may be made from Article 6 and Article 16(b), in the case of doctors in training, in accordance with the provisions set out in the second to the seventh subparagraphs of this paragraph.

With respect to Article 6 derogations referred to in the first subparagraph shall be permitted for a transitional period of five years from 1 August 2004.

Member States may have up to two more years, if necessary, to take account of difficulties in meeting the working time provisions with respect to their responsibilities for the organisation and delivery of health services and medical care. At least six months before the end of the transitional period, the Member State concerned shall inform the Commission giving its reasons, so that the Commission can give an opinion, after appropriate consultations, within the three months following receipt of such information. If the Member State does not follow the opinion of the Commission, it will justify its decision. The notification and justification of the Member State and the opinion of the Commission shall be published in the *Official Journal of the European Union* and forwarded to the European Parliament.

Member States may have an additional period of up to one year, if necessary, to take account of special difficulties in meeting the responsibilities referred to in the third subparagraph. They shall follow the procedure set out in that subparagraph.

Member States shall ensure that in no case will the number of weekly working hours exceed an average of 58 during the first three years of the transitional period, an average of 56 for the following two years and an average of 52 for any remaining period.

The employer shall consult the representatives of the employees in good time with a view to reaching an agreement, wherever possible, on the arrangements applying to the transitional period. Within the limits set out in the fifth subparagraph, such an agreement may cover:

- (a) the average number of weekly hours of work during the transitional period; and
- (b) the measures to be adopted to reduce weekly working hours to an average of 48 by the end of the transitional period.

With respect to Article 16(b) derogations referred to in the first subparagraph shall be permitted provided that the reference period does not exceed 12 months, during the first part of the transitional period specified in the fifth subparagraph, and six months thereafter.

Article 18

Derogations by collective agreements

Derogations may be made from Articles 3, 4, 5, 8 and 16 by means of collective agreements or agreements concluded between the two sides of industry at national or regional level or, in conformity with the rules laid down by them, by means of collective agreements or agreements concluded between the two sides of industry at a lower level.

Member States in which there is no statutory system ensuring the conclusion of collective agreements or agreements concluded between the two sides of industry at national or regional level, on the matters covered by this Directive, or those Member States in which there is a specific legislative framework for this purpose and within the limits thereof, may, in accordance with national legislation and/or practice, allow derogations from Articles 3, 4, 5, 8 and 16 by way of collective agreements or agreements concluded between the two sides of industry at the appropriate collective level.

The derogations provided for in the first and second subparagraphs shall be allowed on condition that equivalent compensating rest periods are granted to the workers concerned or, in exceptional cases where it is not possible for objective reasons to grant such periods, the workers concerned are afforded appropriate protection.

Member States may lay down rules:

- (a) for the application of this Article by the two sides of industry; and
- (b) for the extension of the provisions of collective agreements or agreements concluded in conformity with this Article to other workers in accordance with national legislation and/or practice.

Article 19

Limitations to derogations from reference periods

The option to derogate from Article 16(b), provided for in Article 17(3) and in Article 18, may not result in the establishment of a reference period exceeding six months.

However, Member States shall have the option, subject to compliance with the general principles relating to the protection of the safety and health of workers, of allowing, for objective or technical reasons or reasons concerning the organisation of work, collective agreements or agreements concluded between the two sides of industry to set reference periods in no event exceeding 12 months.

Before 23 November 2003, the Council shall, on the basis of a Commission proposal accompanied by an appraisal report, re-examine the provisions of this Article and decide what action to take.

Article 20

Mobile workers and offshore work

1. Articles 3, 4, 5 and 8 shall not apply to mobile workers.

Member States shall, however, take the necessary measures to ensure that such mobile workers are entitled to adequate rest, except in the circumstances laid down in Article 17(3)(f) and (g).

2. Subject to compliance with the general principles relating to the protection of the safety and health of workers, and provided that there is consultation of representatives of the employer and employees concerned and efforts to encourage all relevant forms of social dialogue, including negotiation if the parties so wish, Member States may, for objective or technical reasons or reasons concerning the organisation of work, extend the reference period referred to in Article 16(b) to 12 months in respect of workers who mainly perform offshore work.

3. Not later than 1 August 2005 the Commission shall, after consulting the Member States and management and labour at European level, review the operation of the provisions with regard to offshore workers from a health and safety perspective with a view to presenting, if need be, the appropriate modifications.

Article 21

Workers on board seagoing fishing vessels

1. Articles 3 to 6 and 8 shall not apply to any worker on board a seagoing fishing vessel flying the flag of a Member State.

Member States shall, however, take the necessary measures to ensure that any worker on board a seagoing fishing vessel flying the flag of a Member State is entitled to adequate rest and to limit the number of hours of work to 48 hours a week on average calculated over a reference period not exceeding 12 months.

2. Within the limits set out in paragraph 1, second subparagraph, and paragraphs 3 and 4 Member States shall take the necessary measures to ensure that, in keeping with the need to protect the safety and health of such workers:

- (a) the working hours are limited to a maximum number of hours which shall not be exceeded in a given period of time; or
- (b) a minimum number of hours of rest are provided within a given period of time.

The maximum number of hours of work or minimum number of hours of rest shall be specified by law, regulations, administrative provisions or by collective agreements or agreements between the two sides of the industry.

3. The limits on hours of work or rest shall be either:

(a) maximum hours of work which shall not exceed:

- (i) 14 hours in any 24-hour period; and
- (ii) 72 hours in any seven-day period;

or

(b) minimum hours of rest which shall not be less than:

- (i) 10 hours in any 24-hour period; and
- (ii) 77 hours in any seven-day period.

4. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

5. In accordance with the general principles of the protection of the health and safety of workers, and for objective or technical reasons or reasons concerning the organisation of work, Member States may allow exceptions, including the establishment of reference periods, to the limits laid down in paragraph 1, second subparagraph, and paragraphs 3 and 4. Such exceptions shall, as far as possible, comply with the standards laid down but may take account of more frequent or longer leave periods or the granting of compensatory leave for the workers. These exceptions may be laid down by means of:

- (a) laws, regulations or administrative provisions provided there is consultation, where possible, of the representatives of the employers and workers concerned and efforts are made to encourage all relevant forms of social dialogue; or
- (b) collective agreements or agreements between the two sides of industry.

6. The master of a seagoing fishing vessel shall have the right to require workers on board to perform any hours of work necessary for the immediate safety of the vessel, persons on board or cargo, or for the purpose of giving assistance to other vessels or persons in distress at sea.

7. Member States may provide that workers on board seagoing fishing vessels for which national legislation or practice determines that these vessels are not allowed to operate in a specific period of the calendar year exceeding one month, shall take annual leave in accordance with Article 7 within that period.

Article 22

Miscellaneous provisions

1. A Member State shall have the option not to apply Article 6, while respecting the general principles of the protection of the safety and health of workers, and provided it takes the necessary measures to ensure that:

- (a) no employer requires a worker to work more than 48 hours over a seven-day period, calculated as an average for the reference period referred to in Article 16(b), unless he has first obtained the worker's agreement to perform such work;

(b) no worker is subjected to any detriment by his employer because he is not willing to give his agreement to perform such work;

(c) the employer keeps up-to-date records of all workers who carry out such work;

(d) the records are placed at the disposal of the competent authorities, which may, for reasons connected with the safety and/or health of workers, prohibit or restrict the possibility of exceeding the maximum weekly working hours;

(e) the employer provides the competent authorities at their request with information on cases in which agreement has been given by workers to perform work exceeding 48 hours over a period of seven days, calculated as an average for the reference period referred to in Article 16(b).

Before 23 November 2003, the Council shall, on the basis of a Commission proposal accompanied by an appraisal report, re-examine the provisions of this paragraph and decide on what action to take.

2. Member States shall have the option, as regards the application of Article 7, of making use of a transitional period of not more than three years from 23 November 1996, provided that during that transitional period:

- (a) every worker receives three weeks' paid annual leave in accordance with the conditions for the entitlement to, and granting of, such leave laid down by national legislation and/or practice; and
- (b) the three-week period of paid annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated.

3. If Member States avail themselves of the options provided for in this Article, they shall forthwith inform the Commission thereof.

CHAPTER 6

FINAL PROVISIONS

Article 23

Level of Protection

Without prejudice to the right of Member States to develop, in the light of changing circumstances, different legislative, regulatory or contractual provisions in the field of working time, as long as the minimum requirements provided for in this Directive are complied with, implementation of this Directive shall not constitute valid grounds for reducing the general level of protection afforded to workers.

*Article 24***Reports**

1. Member States shall communicate to the Commission the texts of the provisions of national law already adopted or being adopted in the field governed by this Directive.

2. Member States shall report to the Commission every five years on the practical implementation of the provisions of this Directive, indicating the viewpoints of the two sides of industry.

The Commission shall inform the European Parliament, the Council, the European Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work thereof.

3. Every five years from 23 November 1996 the Commission shall submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Directive taking into account Articles 22 and 23 and paragraphs 1 and 2 of this Article.

*Article 25***Review of the operation of the provisions with regard to workers on board seagoing fishing vessels**

Not later than 1 August 2009 the Commission shall, after consulting the Member States and management and labour at European level, review the operation of the provisions with regard to workers on board seagoing fishing vessels, and, in particular examine whether these provisions remain appropriate, in particular, as far as health and safety are concerned with a view to proposing suitable amendments, if necessary.

*Article 26***Review of the operation of the provisions with regard to workers concerned with the carriage of passengers**

Not later than 1 August 2005 the Commission shall, after consulting the Member States and management and labour at European level, review the operation of the provisions with

regard to workers concerned with the carriage of passengers on regular urban transport services, with a view to presenting, if need be, the appropriate modifications to ensure a coherent and suitable approach in the sector.

*Article 27***Repeal**

1. Directive 93/104/EC, as amended by the Directive referred to in Annex I, part A, shall be repealed, without prejudice to the obligations of the Member States in respect of the deadlines for transposition laid down in Annex I, part B.

2. The references made to the said repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex II.

*Article 28***Entry into force**

This Directive shall enter into force on 2 August 2004.

*Article 29***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 4 November 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. TREMONTI

ANNEX I

PART A

REPEALED DIRECTIVE AND ITS AMENDMENT

(Article 27)

Council Directive 93/104/EC

(OJ L 307, 13.12.1993, p. 18)

Directive 2000/34/EC of the European Parliament and of the Council

(OJ L 195, 1.8.2000, p. 41)

PART B

DEADLINES FOR TRANSPOSITION INTO NATIONAL LAW

(Article 27)

Directive	Deadline for transposition
93/104/EC	23 November 1996
2000/34/EC	1 August 2003 ⁽¹⁾

⁽¹⁾ 1 August 2004 in the case of doctors in training. See Article 2 of Directive 2000/34/EC.

ANNEX II

CORRELATION TABLE

Directive 93/104/EC	This Directive
Articles 1 to 5	Articles 1 to 5
Article 6, introductory words	Article 6, introductory words
Article 6(1)	Article 6(a)
Article 6(2)	Article 6(b)
Article 7	Article 7
Article 8, introductory words	Article 8, introductory words
Article 8(1)	Article 8(a)
Article 8(2)	Article 8(b)
Articles 9, 10 and 11	Articles 9, 10 and 11
Article 12, introductory words	Article 12, introductory words
Article 12(1)	Article 12(a)
Article 12(2)	Article 12(b)
Articles 13, 14 and 15	Articles 13, 14 and 15
Article 16, introductory words	Article 16, introductory words
Article 16(1)	Article 16(a)
Article 16(2)	Article 16(b)
Article 16(3)	Article 16(c)
Article 17(1)	Article 17(1)
Article 17(2), introductory words	Article 17(2)
Article 17(2)(1)	Article 17(3)(a) to (e)
Article 17(2)(2)	Article 17(3)(f) to (g)
Article 17(2)(3)	Article 17(4)
Article 17(2)(4)	Article 17(5)
Article 17(3)	Article 18
Article 17(4)	Article 19
Article 17a(1)	Article 20(1), first subparagraph
Article 17a(2)	Article 20(1), second subparagraph
Article 17a(3)	Article 20(2)
Article 17a(4)	Article 20(3)
Article 17b(1)	Article 21(1), first subparagraph
Article 17b(2)	Article 21(1), second subparagraph
Article 17b(3)	Article 21(2)
Article 17b(4)	Article 21(3)
Article 17b(5)	Article 21(4)
Article 17b(6)	Article 21(5)
Article 17b(7)	Article 21(6)
Article 17b(8)	Article 21(7)
Article 18(1)(a)	—
Article 18(1)(b)(i)	Article 22(1)
Article 18(1)(b)(ii)	Article 22(2)
Article 18(1)(c)	Article 22(3)
Article 18(2)	—
Article 18(3)	Article 23
Article 18(4)	Article 24(1)

Directive 93/104/EC	This Directive
Article 18(5)	Article 24(2)
Article 18(6)	Article 24(3)
—	Article 25 ⁽¹⁾
—	Article 26 ⁽²⁾
—	Article 27
—	Article 28
Article 19	Article 29
—	Annex I
—	Annex II

⁽¹⁾ Directive 2000/34/EC, Article 3.

⁽²⁾ Directive 2000/34/EC, Article 4.



Проект фінансується
Європейським Союзом



Проект виконується
Міжнародною організацією праці

Директива Європейського Парламенту та Ради № 2003/88 / ЄС від 4 листопада 2003 року щодо певних аспектів організації робочого часу

Directive No. 2003/88/EC of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time

Проект ЄС-МОП «Зміцнення адміністрації праці з метою покращення умов праці і подолання незадекларованої праці»

EU-ILO Project «Enhancing the labour administration capacity to improve working conditions and tackle undeclared work»

Антоніу Сантуш / António Santos
Менеджер проекту / Project manager

www.ilo.org/UkraineEUProject

Contents:

- Why Directive No. 2003/88/EC?
- What does Directive No. 2003/88/EC?
- Why aligning the Ukrainian legislation with Directive No. 2003/88/EC?
- EU Council Directive No. 2003/88/EC:
 - ✓ Purpose and scope (art. 1.º)
 - ✓ Definitions (art. 2.º)
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 - ✓ Maximum weekly working time (art. 6.º)
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 - ✓ Length of night work (art. 8.º)
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 - ✓ Pattern of work (art. 13.º)
 - ✓ More specific Community provisions (art. 14.º)
 - ✓ More favorable provisions (art. 15.º)
 - ✓ Level of Protection (art. 23.º)
- List of revised legislation within the scope of the Table of Concordance draft
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Why Directive No. 2003/88/EC?

1. The **understanding** that the **improvement of workers' safety, hygiene and health** at work is an objective which **should not be subordinated to purely economic considerations**;
2. To **protect workers' Health and Safety (H&S)**, though ensuring **adequate rest periods**, in particular: **minimum daily, weekly and annual periods of rest**, adequate **breaks**, and a **maximum limit on weekly working hours**;
3. The research findings: **human** body is **more sensitive at night** to **environmental disturbances** and also to **certain burdensome forms of work organization** and that **long periods of night work** can be **detrimental** to the **H&S of workers**;
4. To establish **harmonized minimum OSH requirements** concerning the **organization of working time**;
5. Because **compliance** with the minimum **OSH requirements** on the **organization of working time** is **essential to ensure** the workers' **S&H**.

What does Directive No. 2003/88/EC ?

1. Lays down and harmonizes in the EU the OSH minimum requirements concerning the organization of working time, namely regarding:
 - Minimum periods of **daily rest, weekly rest and annual leave**;
 - **Breaks and maximum weekly working time**;
 - **Night work, shift work and patterns of work**;
2. Repeals the Council **Directive No. 93/104/EC**, of 23 November 1993, concerning certain aspects of the organization of working time;
3. Provisions of the **Directive 89/391/EEC** are **fully applicable** to the **organization of working time**, without prejudice to more stringent and/or specific provisions contained in this Directive;
4. This **Directive shall not apply** where other Community instruments contain more specific requirements on the **organization of working time** for certain occupations or occupational activities.

Why aligning the Ukrainian legislation with Directive No. 2003/88/EC?

1. To **improve the working conditions** in Ukraine;
2. To reduce the number, incidence rates and severity rates of the **work-related accidents and occupational diseases** in Ukraine;
3. To **prepare the effective implementation** of the **EU-Ukraine Association Agreement (AA)**, allowing this Directive's provisions can be implemented **within the timetable to be defined by the Association Council**, after the entry into force of the AA (cf. AA: articles 419.º and 420.º to 424.º of chapter 21, p. 156-157; and Annex XL to chapter 21, p. 1984).

- Establishes minimum safety and health requirements for the organization of working time, namely:
 - ✓ Minimum periods of **daily rest, weekly rest and annual leave**, to **breaks** and **maximum weekly working time**; and
 - ✓ Certain aspects of **night work, shift work** and **patterns of work**;
- The provisions of **Directive 89/391/EEC** are **fully applicable to minimum OSH requirements** for the organization of **working time** (e.g., daily, weekly and annual rest, breaks, maximum weekly working time, and certain aspects of night work, shift work and patterns of work), **without prejudice to more stringent** and/or **specific provisions** contained in **this Directive**.

Subject (art. 1.º)

- This Directive **applies to all sectors of activity** (both public and private), **except for**:
 - ✓ **Seafarers** [art. 1.º, paragraph 3(2)];
 - ✓ Certain **occupations or occupational activities** that are **already regulated** by other **Community instruments** (art. 14.º);
 - ✓ Certain **types of workers**: managing executive, family workers, etc. (art. 17.º);
 - ✓ **Security and surveillance** activities (art. 17.º) ;
 - ✓ Service and production **activities** that **cannot be stopped** or have **highly variable needs of workers**, e.g.: hospitals, docks, airports, railway transport, press, radios, television, water, gas, electricity, agriculture, tourism, postal services, etc. (art. 17.º);
 - ✓ The ones **derogated by collective agreements** (art. 18.º);
 - ✓ **Derogation of provisions on reference periods and of provisions for mobile workers, offshore workers and workers on board seagoing fishing vessels** (articles 19.º to 21.º).

- **Working time** - period during which the worker is **working**, at the **employer's disposal** and carrying out his **activity or duties**, in accordance with national laws and/or practice;
- **Rest period** - period which is not working time;
- **Night time** - period of **not less than 7 hours**, as defined by national law, and which **must include**, in any case, the period **between midnight and 5.00**;
- **Night worker** – worker who:
 - ✓ **During night time, works at least 3 hours** of his daily working time as a normal course; and
 - ✓ Is likely **during night time** to work a **certain proportion** of his **annual working**;
- **Shift work** - method of organizing **work in shifts** whereby **workers succeed each other** at the **same work stations** according to a **certain pattern**, including a rotating pattern, and which may be continuous or discontinuous, **entailing** the need for workers to **work at different times** over a **given period** of days or weeks.

- **Shift worker** - worker whose work schedule is part of shift work;
- **Mobile worker** - worker employed as travelling or flying personnel by an undertaking which operates transport services for passengers or goods by road, air or inland waterway;
- **Offshore work** - work performed mainly on or from offshore installations (including drilling rigs), directly or indirectly in connection with the exploration, extraction or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activities, whether performed from an offshore installation or a vessel;
- **Adequate rest** - regular rest periods, the duration of which is expressed in units of time and which are sufficiently long and continuous to ensure that workers, as a result of fatigue or other irregular working patterns, do not cause injury to themselves, to fellow workers or to others and that they do not damage their health, either in the short term or in the longer term.

Minimum rest periods — other aspects of the organization of working time

Directive 2003/88/EC

- **Daily rest (art. 3.º)** - Member States shall ensure that every worker has a **minimum daily rest period of 11 consecutive hours per 24-hour period**;
- **Breaks (art. 4.º)** - Member States shall ensure that, where the working day **is longer than six hours**, **workers have a rest break**, which details (including duration and the terms of its attribution) shall be laid down in collective agreements or agreements between the two sides of industry or, if absent, by national legislation;
- **Weekly rest period (art. 5.º)** - Member States shall ensure that:
 - ✓ **Per each seven-day period**, workers **have a minimum uninterrupted rest period of 24 hours plus the 11 hours' daily rest** (or, if not possible, at least, **a minimum rest period of 24 hours**);
 - ✓ They **may** establish a **reference period not exceeding 14 days** (excluding periods of annual or sick leave and minimum weekly rest period of 24 hours) [art. 16 (1)(a), 16(1)(b)(ii) and 16 (2)].

Minimum rest periods — other aspects of the organization of working time

Directive 2003/88/EC

- **Maximum weekly working time (art. 6.º)** - Member States shall ensure that:
 - ✓ The **period of weekly working time** is limited (by laws, regulations, administrative provisions, collective agreements or agreements between the two sides of industry);
 - ✓ The **average working time for each seven-day period** (including overtime) does not exceed 48 hours. For this purpose, they may establish a **reference period** not exceeding 4 months ([art. 16(b)(i)], excluding periods of annual or sick leave and weekly rest [articles 16 (1)(b)(ii) and 16 (2)]);
- **Annual leave (art. 7.º)** - Member States shall ensure that:
 - ✓ Workers are entitled to **paid annual leave** of at least **four weeks** in accordance (which conditions for entitlement to, and granting of, such leave are provided by national legislation and/or practice);
 - ✓ The minimum period of paid annual leave **may not be replaced by an allowance** in lieu (except where the employment relationship is terminated).

- **Length of night work (art. 8.º)** - Member States shall ensure that:
 - ✓ **Normal hours** of work for night workers do not exceed an average of 8 hours in any **24-hour period**;
 - ✓ Night workers whose work **involves special hazards or heavy physical or mental strain** (which mean should be defined by national legislation/practice, collective agreements or agreements between the two sides of industry) do not work more than eight hours in any **period of 24 hours** during which they perform night work;
 - ✓ They may define a **reference period** after social partner consultation or on collective agreements;
- **Health assessment and transfer of night workers to day work (art. 9.º)** - Member States shall ensure that night workers:
 - ✓ Are entitled to a **free and medical confidential health assessment** (which may be conducted within the national health system) **before** their assignment and **thereafter at regular intervals**;
 - ✓ **Suffering from health problems** recognized as being connected with the fact that they perform night work are **transferred** whenever possible **to day work to which they are suited**.

- **Guarantees for night-time working (art. 10.º)** - Member States may make the **work of certain categories of night workers** subject to certain guarantees, under conditions laid down by national legislation/practice, in the **case of workers who incur risks to their S&H linked to night-time working**;
- **Notification of regular use of night workers (art. 11.º)** - Member States shall ensure that an **employer** who **regularly uses night workers** brings this **information** to the attention of the **competent authorities** if they so request;
- **Safety and health protection (art. 12.º)** - Member States shall ensure that:
 - ✓ **Night workers and shift workers have S&H protection appropriate** to the nature of their work;
 - ✓ Appropriate **protection and prevention services or facilities** with regard to the **OSH of night workers and shift workers** are **equivalent** to those applicable to **other workers** and are **available at all times**.

- **Pattern of work (art. 13.º)** - Member States shall ensure that an **employer** who intends to **organize work** according to a **certain pattern** takes **account of**:
 - ✓ The general principle of prevention of adapting work to the worker, with a view, in particular, to alleviating monotonous work and work at a predetermined work rate;
 - ✓ The **type of activity**;
 - ✓ **S&H requirements** (especially as regards **breaks during working time**).

- **More specific Community provisions (art. 14.º)** - This Directive shall not apply where other Community instruments contain more specific requirements on the organization of **working time** for certain occupations or occupational activities;
- **More favorable provisions (art. 15.º)** - This Directive shall not affect Member States' right to:
 - ✓ Apply or introduce legislation more favorable to the protection of the **OSH of workers**; or
 - ✓ The **application of collective agreements** or **agreements** concluded between the **two sides of industry** which are more favorable to the protection of the **OSH of workers**.

- **Level of Protection (art. 23.º)** - Without prejudice to the right of Member States to develop, in the light of changing circumstances, different legislative, regulatory or contractual provisions in the field of working time (as long as the minimum requirements provided for in this Directive are complied with), implementation of this Directive shall not constitute valid grounds for reducing the general level of protection afforded to workers.

LIST OF REVISED LEGISLATION

[Directive No. 2003/88/EC of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time](#)

CODE (NUMBER OF THE LEGISLATIVE ACT)	LEGISLATIVE DOCUMENT					LAST AMEDEMMENTS INTRODUCED		
	ISSUER	LEGISLATIVE DOCUMENT	NUMBER	DATE OF ADDOPTION	NAME/SUBJECT OF THE LEGAL ACT	DATE OF ENTRY INTO FORCE	DATE OF LAST AMEDEMMENT	LEGAL ACT
1. Ukrainian Parliament (Verkhovna Rada)								
1,1								
1,2								
1,3								
1,4								
1,5								
1,6								
1,7								
1,8								
1,9								
2. President of Ukraine								
2,1	President of Ukraine	Decree/Order						
2,2								
2,3								
2,4								
2,5								
2,6								
2,7								
2,8								
2,9								
3. Cabinet of Ministers of Ukraine								
3,1	Ministers council	Law/Regulatory Decree/Decree-Law/Resolution/Order						
3,2								
3,3								
3,4								
3,5								
3,6								
3,7								
3,8								
3,9								
4. Ministries and other state authorities								
4,1	Ministry of....	Ordinance/Order/Regulation/Instruction						
4,2								
4,3								
4,4								
4,5								
4,6								
4,7								
4,8								
4,9								

TABLE OF CONCORDANCE

Directive No. 2003/88/EC of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time

EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				RECOMMENDATIONS FOR FURTHER ACTION					
ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY	ADEQUATE JURIDICAL POWER OF LEGAL ACT	MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
1	Scope and definitions - Purpose and scope	1	This Directive lays down minimum safety and health requirements for the organisation of working time.															
1	Scope and definitions - Purpose and scope	2 (a)	This Directive applies to minimum periods of daily rest, weekly rest and annual leave, to breaks and maximum weekly working time.															
1	Scope and definitions - Purpose and scope	2 (b)	This Directive applies to certain aspects of night work, shift work and patterns of work.															
1	Scope and definitions - Purpose and scope	3 (1)	This Directive shall apply to all sectors of activity, both public and private, within the meaning of Article 2 of Directive 89/391/EEC, without prejudice to Articles 14, 17, 18 and 19 of this Directive. [It means that it will not apply (or that the application of certain provisions is derogated) to some sectors, type of workers, type of activities or where there is a collective agreement, provided that the workers not included are duly compensated. The exceptions include: 1) Certain occupations or occupational activities that are already regulated by other Community instruments; 2) Certain types of workers (managing executive, family workers, etc.); 3) Security and surveillance activities; 4) Service and production activities that cannot be stopped or have highly variable needs of workers (e.g., hospitals, docks, airports, railway transport, press, radios, television, water, gas, electricity, agriculture, tourism, postal services, etc.); 5) The ones derogated by collective agreements; 6) Seafarers; 7) Mobile workers, offshore workers and workers on board seagoing fishing vessels (regarding certain provisions).]															
1	Scope and definitions - Purpose and scope	3 (2)	This Directive shall not apply to seafarers, as defined in Directive 1999/63/EC without prejudice to Article 2(8) of this Directive [i.e., certain provisions apply to offshore workers when the work is performed from a vessel - see articles 2(8), 20(2) and 20(3)].															
1	Scope and definitions - Purpose and scope	4	The provisions of Directive 89/391/EEC are fully applicable to the matters referred to in paragraph 2 [to the minimum safety and health requirements for the organisation of working time, regarding minimum periods of daily rest, weekly rest and annual leave, to breaks and maximum weekly working time, as well as concerning certain aspects of night work, shift work and patterns of work], without prejudice to more stringent and/or specific provisions contained in this Directive.															
2	Scope and definitions - Definitions	1	Working time - means any period during which the worker is working, at the employer's disposal and carrying out his activity or duties, in accordance with national laws and/or practice;															
2	Scope and definitions - Definitions	2	Rest period - means any period which is not working time;															
2	Scope and definitions - Definitions	3	Night time - means any period of not less than seven hours, as defined by national law, and which must include, in any case, the period between midnight and 5.00;															
2	Scope and definitions - Definitions	4 (a)	Night worker - means, on the one hand, any worker, who, during night time, works at least three hours of his daily working time as a normal course; and															
2	Scope and definitions - Definitions	4 (b)(i)	Night worker - means, on the other hand, any worker who is likely during night time to work a certain proportion of his annual working time, as defined at the choice of the Member State concerned by national legislation, following consultation with the two sides of industry, or															
2	Scope and definitions - Definitions	4 (b)(ii)	Night worker - means, on the other hand, any worker who is likely during night time to work a certain proportion of his annual working time, as defined at the choice of the Member State concerned, by collective agreements or agreements concluded between the two sides of industry at national or regional level.															
2	Scope and definitions - Definitions	5	Shift work - means any method of organising work in shifts whereby workers succeed each other at the same work stations according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for workers to work at different times over a given period of days or weeks.															
2	Scope and definitions - Definitions	6	Shift worker - means any worker whose work schedule is part of shift work.															
2	Scope and definitions - Definitions	7	Mobile worker - means any worker employed as a member of travelling or flying personnel by an undertaking which operates transport services for passengers or goods by road, air or inland waterway.															
2	Scope and definitions - Definitions	8	Offshore work - means work performed mainly on or from offshore installations (including drilling rigs), directly or indirectly in connection with the exploration, extraction or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activities, whether performed from an offshore installation or a vessel.															
2	Scope and definitions - Definitions	9	Adequate rest - means that workers have regular rest periods, the duration of which is expressed in units of time and which are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, they do not cause injury to themselves, to fellow workers or to others and that they do not damage their health, either in the short term or in the longer term.															
3	Minimum rest periods — other aspects of the organization of working time - Daily rest	(1)	Member States shall take the measures necessary to ensure that every worker is entitled to a minimum daily rest period of 11 consecutive hours per 24-hour period.															
4	Minimum rest periods — other aspects of the organization of working time - Breaks	(1)	Member States shall take the measures necessary to ensure that, where the working day is longer than six hours, every worker is entitled to a rest break, the details of which, including duration and the terms on which it is granted, shall be laid down in collective agreements or agreements between the two sides of industry or, failing that, by national legislation.															
5	Minimum rest periods — other aspects of the organization of working time - Weekly rest period	(1)	Member States shall take the measures necessary to ensure that, per each seven-day period, every worker is entitled to a minimum uninterrupted rest period of 24 hours plus the 11 hours' daily rest referred to in Article 3.															
5	Minimum rest periods — other aspects of the organization of working time - Weekly rest period	(2)	If objective, technical or work organisation conditions so justify, a minimum rest period of 24 hours may be applied															
6	Minimum rest periods — other aspects of the organization of working time - Maximum weekly working time	(1)(a)	Member States shall take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers, the period of weekly working time is limited by means of laws, regulations or administrative provisions or by collective agreements or agreements between the two sides of industry;															
6	Minimum rest periods — other aspects of the organization of working time - Maximum weekly working time	(1)(b)	Member States shall take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers, the average working time for each seven-day period, including overtime, does not exceed 48 hours.															
7	Minimum rest periods — other aspects of the organization of working time - Annual leave	1	Member States shall take the measures necessary to ensure that every worker is entitled to paid annual leave of at least four weeks in accordance with the conditions for entitlement to, and granting of, such leave laid down by national legislation and/or practice.															
7	Minimum rest periods — other aspects of the organization of working time - Annual leave	2	The minimum period of paid annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated.															
8	Night work — shift work — patterns of work - Length of night work	(1)(a)	Member States shall take the measures necessary to ensure that normal hours of work for night workers do not exceed an average of eight hours in any 24-hour period;															
8	Night work — shift work — patterns of work - Length of night work	(1)(b)	Member States shall take the measures necessary to ensure that night workers whose work involves special hazards or heavy physical or mental strain do not work more than eight hours in any period of 24 hours during which they perform night work.															
8	Night work — shift work — patterns of work - Length of night work	(2)	For the purposes of point (b), work involving special hazards or heavy physical or mental strain shall be defined by national legislation and/or practice or by collective agreements or agreements concluded between the two sides of industry, taking account of the specific effects and hazards of night work.												</			

TABLE OF CONCORDANCE

Directive No. 2003/88/EC of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time

EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				RECOMMENDATIONS FOR FURTHER ACTION					
ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY	ADEQUATE JURIDICAL POWER OF LEGAL ACT	MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
9	Night work — shift work — patterns of work - Health assessment and transfer of night workers to day work	3	The free health assessment referred to in paragraph 1(a) may be conducted within the national health system.															
10	Night work — shift work — patterns of work - Guarantees for night-time working	(1)	Member States may make the work of certain categories of night workers subject to certain guarantees, under conditions laid down by national legislation and/or practice, in the case of workers who incur risks to their safety or health linked to night-time working.															
11	Night work — shift work — patterns of work - Notification of regular use of night workers	(1)	Member States shall take the measures necessary to ensure that an employer who regularly uses night workers brings this information to the attention of the competent authorities if they so request.															
12	Night work — shift work — patterns of work - Safety and health protection	1(a)	Member States shall take the measures necessary to ensure that night workers and shift workers have safety and health protection appropriate to the nature of their work;															
12	Night work — shift work — patterns of work - Safety and health protection	1(b)	Member States shall take the measures necessary to ensure that appropriate protection and prevention services or facilities with regard to the safety and health of night workers and shift workers are equivalent to those applicable to other workers and are available at all times.															
13	Night work — shift work — patterns of work - Pattern of work	(1)	Member States shall take the measures necessary to ensure that an employer who intends to organise work according to a certain pattern takes account of the general principle of adapting work to the worker, with a view, in particular, to alleviating monotonous work and work at a predetermined workrate, depending on the type of activity, and of safety and health requirements, especially as regards breaks during working time.															
14	Miscellaneous provisions - More specific Community provisions	(1)	This Directive shall not apply where other Community instruments contain more specific requirements relating to the organisation of working time for certain occupations or occupational activities.															
15	Miscellaneous provisions - More favourable provisions	(1)	This Directive shall not affect Member States' right to apply or introduce laws, regulations or administrative provisions more favourable to the protection of the safety and health of workers or to facilitate or permit the application of collective agreements or agreements concluded between the two sides of industry which are more favourable to the protection of the safety and health of workers.															
16	Miscellaneous provisions - Reference periods	1(a)	Member States may lay down, for the application of Article 5 (weekly rest period), a reference period not exceeding 14 days;															
16	Miscellaneous provisions - Reference periods	1(b)(i)	Member States may lay down, for the application of Article 6 [maximum weekly working time], a reference period not exceeding four months.															
16	Miscellaneous provisions - Reference periods	1(b)(ii)	The periods of paid annual leave, granted in accordance with Article 7, and the periods of sick leave shall not be included or shall be neutral in the calculation of the average;															
16	Miscellaneous provisions - Reference periods	1(c)	Member States may lay down, for the application of Article 8 (length of night work), a reference period defined after consultation of the two sides of industry or by collective agreements or agreements concluded between the two sides of industry at national or regional level.															
16	Miscellaneous provisions - Reference periods	(2)	If the minimum weekly rest period of 24 hours required by Article 5 falls within that reference period, it shall not be included in the calculation of the average.															
17	Derogations and exceptions - Derogations	1(a)	With due regard for the general principles of the protection of the safety and health of workers, Member States may derogate from Articles 3 to 6, 8 and 16 when, on account of the specific characteristics of the activity concerned, the duration of the working time is not measured and/or predetermined or can be determined by the workers themselves, and particularly in the case of managing executives or other persons with autonomous decision-taking powers;															
17	Derogations and exceptions - Derogations	1(b)	With due regard for the general principles of the protection of the safety and health of workers, Member States may derogate from Articles 3 to 6 [Daily rest; Breaks; Weekly rest period; and Maximum weekly working time] , 8 [Length of night work] and 16 [Reference periods] when, on account of the specific characteristics of the activity concerned, the duration of the working time is not measured and/or predetermined or can be determined by the workers themselves, and particularly in the case of family workers; or															
17	Derogations and exceptions - Derogations	1(c)	With due regard for the general principles of the protection of the safety and health of workers, Member States may derogate from Articles 3 to 6 [Daily rest; Breaks; Weekly rest period; and Maximum weekly working time] , 8 [Length of night work] and 16 [Reference periods] when, on account of the specific characteristics of the activity concerned, the duration of the working time is not measured and/or predetermined or can be determined by the workers themselves, and particularly in the case of workers officiating at religious ceremonies in churches and religious communities.															
17	Derogations and exceptions - Derogations	2	Derogations provided for in paragraphs 3, 4 and 5 [Daily rest; Breaks; and Weekly rest period] may be adopted by means of laws, regulations or administrative provisions or by means of collective agreements or agreements between the two sides of industry provided that the workers concerned are afforded equivalent periods of compensatory rest or that, in exceptional cases in which it is not possible, for objective reasons, to grant such equivalent periods of compensatory rest, the workers concerned are afforded appropriate protection.															
17	Derogations and exceptions - Derogations	3(a)	In accordance with paragraph 2 of this Article derogations may be made from in the case of activities where the worker's place of work and his place of residence are distant from one another, including offshore work, or where the worker's different places of work are distant from one another;															
17	Derogations and exceptions - Derogations	3(b)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of security and surveillance activities requiring a permanent presence in order to protect property and persons, particularly security guards and caretakers or security firms;															
17	Derogations and exceptions - Derogations	3(c)(i)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of activities involving the need for continuity of service or production, particularly, services relating to the reception, treatment and/or care provided by hospitals or similar establishments, including the activities of doctors in training, residential institutions and prisons;															
17	Derogations and exceptions - Derogations	3(c)(ii)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 and 16, in the case of activities involving the need for continuity of service or production, particularly, dock or airport workers;															
17	Derogations and exceptions - Derogations	3(c)(iii)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of activities involving the need for continuity of service or production, particularly, press, radio, television, cinematographic production, postal and telecommunications services, ambulance, fire and civil protection services;															
17	Derogations and exceptions - Derogations	3(c)(iv)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of activities involving the need for continuity of service or production, particularly, gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants;															
17	Derogations and exceptions - Derogations	3(c)(v)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of activities involving the need for continuity of service or production, particularly, industries in which work cannot be interrupted on technical grounds;															
17	Derogations and exceptions - Derogations	3(c)(vi)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of activities involving the need for continuity of service or production, particularly, research and development activities;															
17	Derogations and exceptions - Derogations	3(c)(vii)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of activities involving the need for continuity of service or production, particularly, agriculture;															
17	Derogations and exceptions - Derogations	3(c)(viii)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of activities involving the need for continuity of service or production, particularly, workers concerned with the carriage of passengers on regular urban transport services;															

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Directive No. 2003/88/EC of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time

EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				RECOMMENDATIONS FOR FURTHER ACTION					
ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY	ADEQUATE JURIDICAL POWER OF LEGAL ACT	MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
17	Derogations and exceptions - Derogations	3(d)(i)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], where there is a foreseeable surge of activity, particularly in agriculture;															
17	Derogations and exceptions - Derogations	3(d)(ii)	In accordance with paragraph 2 of this Article derogations may be made Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], where there is a foreseeable surge of activity, particularly in tourism;															
17	Derogations and exceptions - Derogations	3(d)(iii)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], where there is a foreseeable surge of activity, particularly in postal services;															
17	Derogations and exceptions - Derogations	3(e)(i)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of persons working in railway transport whose activities are intermittent;															
17	Derogations and exceptions - Derogations	3(e)(ii)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the case of persons working in railway transport who spend their working time on board trains;															
17	Derogations and exceptions - Derogations	3(e)(iii)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 and 16, in the case of persons working in railway transport or whose activities are linked to transport timetables and to ensuring the continuity and regularity of traffic;															
17	Derogations and exceptions - Derogations	3(f)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in the circumstances described in Article 5(4) of Directive 89/391/EEC [unusual and unforeseeable circumstances, beyond the employers' control, or to exceptional events, the consequences of which could not have been avoided despite the exercise of all due care];															
17	Derogations and exceptions - Derogations	3(g)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods], in cases of accident or imminent risk of accident.															
17	Derogations and exceptions - Derogations	4(a)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3 [Daily rest] and 5 [Weekly rest period], in the case of shift work activities, each time the worker changes shift and cannot take daily and/or weekly rest periods between the end of one shift and the start of the next one;															
17	Derogations and exceptions - Derogations	4(b)	In accordance with paragraph 2 of this Article derogations may be made from Articles 3 [Daily rest] and 5 [Weekly rest period], in the case of activities involving periods of work split up over the day, particularly those of cleaning staff.															
17	Derogations and exceptions - Derogations	5(1)	In accordance with paragraph 2 of this Article, derogations may be made from Article 6 [Maximum weekly working time] and Article 16(b) [the definition of its reference period not exceeding four months], in the case of doctors in training, in accordance with the provisions set out in the second to the seventh subparagraphs of this paragraph.															
17	Derogations and exceptions - Derogations	5(2)	With respect to Article 6 [Maximum weekly working time] derogations referred to in the first subparagraph shall be permitted for a transitional period of five years from 1 August 2004.															
17	Derogations and exceptions - Derogations	5(3)	Member States may have up to two more years, if necessary, to take account of difficulties in meeting the working time provisions with respect to their responsibilities for the organisation and delivery of health services and medical care. At least six months before the end of the transitional period, the Member State concerned shall inform the Commission giving its reasons, so that the Commission can give an opinion, after appropriate consultations, within the three months following receipt of such information. If the Member State does not follow the opinion of the Commission, it will justify its decision. The notification and justification of the Member State and the opinion of the Commission shall be published in the Official Journal of the European Union and forwarded to the European Parliament.															
17	Derogations and exceptions - Derogations	5(4)	Member States may have an additional period of up to one year, if necessary, to take account of special difficulties in meeting the responsibilities referred to in the third subparagraph. They shall follow the procedure set out in that subparagraph.															
17	Derogations and exceptions - Derogations	5(5)	Member States shall ensure that in no case will the number of weekly working hours exceed an average of 58 during the first three years of the transitional period, an average of 56 for the following two years and an average of 52 for any remaining period.															
17	Derogations and exceptions - Derogations	5(6)(a)	The employer shall consult the representatives of the employees in good time with a view to reaching an agreement, wherever possible, on the arrangements applying to the transitional period. Within the limits set out in the fifth subparagraph, such an agreement may cover the average number of weekly hours of work during the transitional period;															
17	Derogations and exceptions - Derogations	5(6)(b)	The employer shall consult the representatives of the employees in good time with a view to reaching an agreement, wherever possible, on the arrangements applying to the transitional period. Within the limits set out in the fifth subparagraph, such an agreement may cover the measures to be adopted to reduce weekly working hours to an average of 48 by the end of the transitional period.															
17	Derogations and exceptions - Derogations	5(7)	With respect to Article 16(b) [the definition of the reference period forthe Maximum weekly working time, not exceeding four months] derogations referred to in the first subparagraph shall be permitted provided that the reference period does not exceed 12 months, during the first part of the transitional period specified in the fifth subparagraph, and six months thereafter.															
18	Derogations and exceptions - Derogations by collective agreements	(1)	Derogations may be made from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods] by means of collective agreements or agreements concluded between the two sides of industry at national or regional level or, in conformity with the rules laid down by them, by means of collective agreements or agreements concluded between the two sides of industry at a lower level.															
18	Derogations and exceptions - Derogations by collective agreements	(2)	Member States in which there is no statutory system ensuring the conclusion of collective agreements or agreements concluded between the two sides of industry at national or regional level, on the matters covered by this Directive, or those Member States in which there is a specific legislative framework for this purpose and within the limits thereof, may, in accordance with national legislation and/or practice, allow derogations from Articles 3, 4, 5, 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] and 16 [Reference periods] by way of collective agreements or agreements concluded between the two sides of industry at the appropriate collective level.															
18	Derogations and exceptions - Derogations by collective agreements	(3)	The derogations provided for in the first and second subparagraphs shall be allowed on condition that equivalent compensating rest periods are granted to the workers concerned or, in exceptional cases where it is not possible for objective reasons to grant such periods, the workers concerned are afforded appropriate protection.															
18	Derogations and exceptions - Derogations by collective agreements	(4)(a)	Member States may lay down rules for the application of this Article by the two sides of industry; and															
18	Derogations and exceptions - Derogations by collective agreements	(4)(b)	Member States may lay down rules for the extension of the provisions of collective agreements or agreements concluded in conformity with this Article to other workers in accordance with national legislation and/or practice															
19	Derogations and exceptions - Limitations to derogations from reference periods	(1)	The option to derogate from Article 16(b) [referred to the definition of the reference period forthe Maximum weekly working time, not exceeding four months], provided for in Article 17(3) and in Article 18, may not result in the establishment of a reference period exceeding six months.															
19	Derogations and exceptions - Limitations to derogations from reference periods	(2)	However, Member States shall have the option, subject to compliance with the general principles relating to the protection of the safety and health of workers, of allowing, for objective or technical reasons or reasons concerning the organisation of work, collective agreements or agreements concluded between the two sides of industry to set reference periods in no event exceeding 12 months.															
20	Derogations and exceptions - Mobile workers and offshore work	1(1)	Articles 3, 4, 5 and 8 [Daily rest; Breaks; Weekly rest period; and Length of night work] shall not apply to mobile workers.															

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EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
20	Derogations and exceptions - Mobile workers and offshore work	1(2)	Member States shall, however, take the necessary measures to ensure that such mobile workers are entitled to adequate rest, except in the circumstances laid down in Article 17(3)(f) [unusual and unforeseeable circumstances, beyond the employers' control, or to exceptional events, the consequences of which could not have been avoided despite the exercise of all due care] and (g) [in cases of accident or imminent risk of accident].															
20	Derogations and exceptions - Mobile workers and offshore work	2	Subject to compliance with the general principles relating to the protection of the safety and health of workers, and provided that there is consultation of representatives of the employer and employees concerned and efforts to encourage all relevant forms of social dialogue, including negotiation if the parties so wish, Member States may, for objective or technical reasons or reasons concerning the organization of work, extend the reference period referred to in Article 16(b) [referred to the definition of the reference period for the Maximum weekly working time, not exceeding four months] to 12 months in respect of workers who mainly perform offshore work.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	1(1)	Articles 3 to 6 [Daily rest; Breaks; Weekly rest period; and Maximum weekly working time] and 8 [Length of night work] shall not apply to any worker on board a seagoing fishing vessel flying the flag of a Member State.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	1(2)	Member States shall, however, take the necessary measures to ensure that any worker on board a seagoing fishing vessel flying the flag of a Member State is entitled to adequate rest and to limit the number of hours of work to 48 hours a week on average calculated over a reference period not exceeding 12 months.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	2(1)(a)	Within the limits set out in paragraph 1, second subparagraph, and paragraphs 3 and 4 Member States shall take the necessary measures to ensure that, in keeping with the need to protect the safety and health of such workers, the working hours are limited to a maximum number of hours which shall not be exceeded in a given period of time; or															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	2(1)(b)	Within the limits set out in paragraph 1, second subparagraph, and paragraphs 3 and 4 Member States shall take the necessary measures to ensure that, in keeping with the need to protect the safety and health of such workers, a minimum number of hours of rest are provided within a given period of time.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	2(2)	The maximum number of hours of work or minimum number of hours of rest shall be specified by law, regulations, administrative provisions or by collective agreements or agreements between the two sides of the industry.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	3	The limits on hours of work or rest shall be either:															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	3(a)(i)	A maximum hours of work which shall not exceed 14 hours in any 24-hour period; and															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	3(a)(ii)	A maximum hours of work which shall not exceed 72 hours in any seven-day period;															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	3(b)(i)	A minimum hours of rest which shall not be less than 10 hours in any 24-hour period; and															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	3(b)(ii)	A minimum hours of rest which shall not be less than 77 hours in any seven-day period.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	4	Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	5(a)	In accordance with the general principles of the protection of the health and safety of workers, and for objective or technical reasons or reasons concerning the organisation of work, Member States may allow exceptions, including the establishment of reference periods, to the limits laid down in paragraph 1, second subparagraph, and paragraphs 3 and 4. Such exceptions shall, as far as possible, comply with the standards laid down but may take account of more frequent or longer leave periods or the granting of compensatory leave for the workers. These exceptions may be laid down by means of laws, regulations or administrative provisions provided there is consultation, where possible, of the representatives of the employers and workers concerned and efforts are made to encourage all relevant forms of social dialogue; or															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	5(b)	In accordance with the general principles of the protection of the health and safety of workers, and for objective or technical reasons or reasons concerning the organisation of work, Member States may allow exceptions, including the establishment of reference periods, to the limits laid down in paragraph 1, second subparagraph, and paragraphs 3 and 4. Such exceptions shall, as far as possible, comply with the standards laid down but may take account of more frequent or longer leave periods or the granting of compensatory leave for the workers. These exceptions may be laid down by means of collective agreements or agreements between the two sides of industry.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	6	The master of a seagoing fishing vessel shall have the right to require workers on board to perform any hours of work necessary for the immediate safety of the vessel, persons on board or cargo, or for the purpose of giving assistance to other vessels or persons in distress at sea.															
21	Derogations and exceptions - Workers on board seagoing fishing vessels	7	Members States may provide that workers on board seagoing fishing vessels for which national legislation or practice determines that these vessels are not allowed to operate in a specific period of the calendar year exceeding one month, shall take annual leave in accordance with Article 7 within that period.															
22	Derogations and exceptions - Miscellaneous provisions	1(a)	A Member State shall have the option not to apply Article 6 [maximum weekly working time], while respecting the general principles of the protection of the safety and health of workers, and provided it takes the necessary measures to ensure that no employer requires a worker to work more than 48 hours over a seven-day period, calculated as an average for the reference period referred to in Article 16(b), unless he has first obtained the worker's agreement to perform such work;															
22	Derogations and exceptions - Miscellaneous provisions	1(b)	A Member State shall have the option not to apply Article 6 [maximum weekly working time], while respecting the general principles of the protection of the safety and health of workers, and provided it takes the necessary measures to ensure that no worker is subjected to any detriment by his employer because he is not willing to give his agreement to perform such work;															
22	Derogations and exceptions - Miscellaneous provisions	1(c)	A Member State shall have the option not to apply Article 6 [maximum weekly working time], while respecting the general principles of the protection of the safety and health of workers, and provided it takes the necessary measures to ensure that the employer keeps up-to-date records of all workers who carry out such work;															
22	Derogations and exceptions - Miscellaneous provisions	1(d)	A Member State shall have the option not to apply Article 6 [maximum weekly working time], while respecting the general principles of the protection of the safety and health of workers, and provided it takes the necessary measures to ensure that the records are placed at the disposal of the competent authorities, which may, for reasons connected with the safety and/or health of workers, prohibit or restrict the possibility of exceeding the maximum weekly working hours;															
22	Derogations and exceptions - Miscellaneous provisions	1(e)	A Member State shall have the option not to apply Article 6 [maximum weekly working time], while respecting the general principles of the protection of the safety and health of workers, and provided it takes the necessary measures to ensure that the employer provides the competent authorities at their request with information on cases in which agreement has been given by workers to perform work exceeding 48 hours over a period of seven days, calculated as an average for the reference period referred to in Article 16(b).															
22	Derogations and exceptions - Miscellaneous provisions	2(a)	Member States shall have the option, as regards the application of Article 7 [Annual leave], of making use of a transitional period of not more than three years from 23 November 1996, provided that during that transitional period every worker receives three weeks' paid annual leave in accordance with the conditions for the entitlement to, and granting of, such leave laid down by national legislation and/or practice; and															
22	Derogations and exceptions - Miscellaneous provisions	2(b)	Member States shall have the option, as regards the application of Article 7 [Annual leave], of making use of a transitional period of not more than three years from 23 November 1996, provided that during that transitional period the three-week period of paid annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated.															
22	Derogations and exceptions - Miscellaneous provisions	3	If Member States avail themselves of the options provided for in this Article, they shall forthwith inform the Commission thereof.															

TABLE OF CONCORDANCE

[Directive No. 2003/88/EC of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time](#)

[illegible]

TABLE OF CONCORDANCE WORKPLAN

Directive No. 2003/88/EC of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time

[illegible]

EU-ILO Project
“Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”
Ukraine

Timetable for activities 1.1.2-1.1.4 under the Outcome 1

	27-30 November 2017			4-8 December 2017					11-15 December 2017	18-22 December 2017
Trainings on EU directives and development of the tables of concordance										
EU Directive	28.11.17	29.11.17	30.11.17	04.12.17	05.12.17	06.12.17	07.12.17	8.12.17	11.12.17	
Directive 89/391	training									
Development of the table № 2 by workgroup for Dir. 89/391										
Directive 89/654		training								
Development of the table № 2 by workgroup for Dir. 89/654										
Директива 2009/104			training							
Development of the table № 2 by workgroup for Dir. 2009/104										
Directive 89/656				training						
Development of the table № 2 by workgroup for Dir. 89/656										
Directive 2003/88					training					
Development of the table № 2 by workgroup for Dir. 2003/88										
Directive 91/533									training	
Development of the table № 2 by workgroup for Dir. 91/533										

Finalization of the tables of concordance						
	25-30 December 2017	8-12 January 2018	15-19 January 2018	22-26 January 2018	29-31 January 2018	February 2018
Finalization of the tables by MSP and SLS and submission to EU-ILO Project						
Translation of the tables and submission to the experts						
Studying of the table by the experts						
Tripartite workshop based on the results of the workgroups						