



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 May 2006

9842/06

**Interinstitutional File:
2004/0209 (COD)**

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TRANS 144
MAR 51
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OC 420**

NOTE

from: Presidency

to: Council (EPSCO)

No. prev. doc.: 9672/06 SOC 256 SAN 141 TRANS 133 MAR 47 CODEC 521 OC 397

No. Cion prop.: 9554/05 SOC 244 SAN 94 TRANS 108 MAR 84 CODEC 441 –
COM(2005) 246 final

Subject: **Amended proposal for a Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time**
- Political Agreement

COMMON GUIDELINES

Consultation deadline for Bulgaria and Romania: 31. 05.2006

In the light of the outcome of Coreper's preliminary exchange of views of 24 May on the basis of the Presidency's overall compromise proposal (doc. 9672/06), delegations will find attached a set of Presidency questions to Ministers with a view to further discussion by the Council (EPSCO) at lunch on 1 June 2006.

PRESIDENCY QUESTIONS FOR THE LUNCHTIME DISCUSSION

1. Before the employer and the employee conclude an opt-out agreement, they should examine whether the 12-month maximum reference period provided for in Article 19 would not guarantee the necessary flexibility.

- *Should this examination also take account of other possible derogations provided for in the Directive?*

2. The opt-out agreement should be well-founded.

(a) *Which additional accompanying measures are in your opinion necessary for the use, or alternatively the continued use, of the opt-out?*

(b) *Should it be made clear in the text of the Directive that, alongside objective grounds, other grounds relating to the person of the employee could be used to justify the use of the opt-out, an illustrative list of such grounds being incorporated into a recital?*
