



Press and Information

Court of Justice of the European Union
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Judgment in Case C-180/14
Commission v Greece

By allowing doctors to work 24 hours or more consecutively, Greek law infringes EU law

Greece failed to implement a maximum weekly working time of 48 hours and to make provision for a minimum daily rest period or a compensatory rest period

According to the Directive on the organisation of working time,¹ the average weekly working time cannot exceed 48 hours and all workers are entitled, in the course of each 24 hour period, to a minimum rest period of 11 consecutive hours and, in the course of each 7 day period, a minimum uninterrupted rest period of 24 hours, in addition to 11 hours' daily rest.

Ten Greek medical associations lodged a complaint with the Commission. According to these associations, doctors (qualified doctors or trainees) were obliged, under national legislation, to work on average between 60 and 93 hours per week. They were also obliged to work regularly for up to 32 consecutive hours at their workplace without being entitled to either the minimum daily and weekly rest periods or the equivalent periods of compensatory rest.

The Commission therefore brought an action against Greece before the Court of Justice for failure to fulfil its obligations. It claims that, by failing to establish and/or to implement a maximum weekly working time of 48 hours and by failing to make provision for a minimum daily or weekly rest period or a compensatory rest period immediately following the working time to be compensated, Greece has failed to fulfil its obligations under EU law.

By today's judgment, **the Court allows the Commission's action for failure to fulfil obligations.**

The Court finds, first of all, that the maximum weekly working time of doctors constitutes a rule of EU social law of particular importance from which every worker must benefit, since it is a minimum requirement necessary to ensure the protection of his safety and health. The Directive thus requires Member States to establish an upper limit of 48 hours for the average weekly working time, including overtime. In this case, the Court notes that the active on-call hours, as well as the hours of on-call availability actually spent at the hospital to provide medical services there, are in addition to the regular 35-hour working week. Indeed, while formally providing an upper limit for weekly working time, Greek law also provides that doctors are required to be available on-call a number of times a month, which has the effect of extending the time spent at their place of work when they are called to the hospital to provide medical services. It also authorises the imposition, in the form of on-call duties, of overtime without fixing any limit in this regard.

Consequently, Greek law has **the effect of making it possible to impose a working week exceeding the 48-hour limit, without any clear provision ensuring that the on-call hours actually spent by doctors at the hospital do not result in that limit being exceeded.**

Concerning the daily rest period, the Court finds that a national law which authorises periods of working time that may last for 24 consecutive hours is incompatible with EU Law. Under Greek law,

¹ 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 (OJ 2003 L 299, p 9).

when their regular shift is immediately followed by a period on-call, doctors may have to work more than 24 consecutive hours and even up to 32 hours in the specific case where the next regular shift begins immediately after the period on-call. Allowing rest periods only at 'other times' not directly connected with the extended period of work does not adequately take into account the need to observe the general principles of protection of the safety and health of workers, which constitute the foundation of the EU regime for organisation of working time. **By providing that the 24-hour rest period to be granted to doctors after each active period on-call can be postponed until a week after the period on-call was completed, Greek law fails to comply with the Directive on working time.**

NOTE: An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under EU law may be brought by the Commission or by another Member State. If the Court of Justice finds that there has been a failure to fulfil obligations, the Member State concerned must comply with the Court's judgment without delay.

Where the Commission considers that the Member State has not complied with the judgment, it may bring a further action seeking financial penalties. However, if measures transposing a directive have not been notified to the Commission, the Court of Justice can, on a proposal from the Commission, impose penalties at the stage of the initial judgment.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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