II

(Acts whose publication is not obligatory)

COUNCIL

RECOMMENDATION OF THE COUNCIL

of 22 July 1975

on the principle of the 40-hour week and the principle of four weeks' annual paid holiday

(75/457/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the draft recommendation from the Commission;

Having regard to the Opinion of the European Parliament (1);

Having regard to the Opinion of the Economic and Social Committee (2);

HEREBY RECOMMENDS TO THE MEMBER STATES,

that they take appropriate measures, in accordance with prevailing national practices and conditions, either by means of legislation, by encouraging employers and labour to conclude collective agreements or by any other means, to attain the following objectives:

1. The principle of the 40-hour week whereby the length of the normal working week (i.e. the period to which provisions for overtime do not apply), as laid down by national legislation, collective agreements or by any other means, must not exceed 40 hours, shall be applied throughout the Community in all sectors by 31 December 1978 at the latest and as far as possible before that date.

   Provision may however be made for this principle to be applied in certain sectors by a date agreed between the parties directly involved.

   In addition, provision may be made for this principle not to apply to certain sectors and activities because of their special nature; the same shall apply to staff subject to public law or, in Member States where this concept is unknown, to staff in an equivalent position;

2. The application of the principle set out in point 1 may not entail a reduction in earnings;

3. The principle of four weeks annual paid holiday whereby the minimum standard for annual paid holiday for all persons who have satisfied all the requirements entitling them to full holiday rights must, depending on the Member States' choice, be either four weeks or correspond to the exemption of a number of working days equal to four times that agreed per week, shall be applied throughout the Community in all sectors by 31 December 1978 at the latest and as far as possible before that date; the application of this principle implies that compensation in the form of an equivalent number of extra days' paid holiday must be made for any paid public holidays falling within the period taken as annual paid holiday.

   Provision may however, be made for this principle to be applied in certain sectors by a date agreed between the parties directly involved;

(1) OJ No C 55, 13. 5. 1974, p. 49.
(2) OJ No C 109, 19. 9. 1974, p. 50.

4. The provisions governing holiday pay must be amended, if necessary, to take account of the principle set out in point 3; the application of this principle may not have a detrimental effect in respect of the holiday pay of those concerned;

CALLS UPON THE MEMBER STATES:

1. To report to the Commission, by the latest at the time of expiry of the prescribed time limit, on the measures taken to implement the terms of this recommendation;

2. To supply the Commission, in the reports submitted to it for the preparation of its annual statement on social developments in the Community, with information on the development of the situation with regard to the length of the working week and annual paid holiday.

Done at Brussels, 22 July 1975.

For the Council

The President

M. RUMOR