

# AGREEMENT

## ON SOME ASPECTS OF THE ORGANISATION OF WORKING TIME IN THE RAIL TRANSPORT SECTOR

30 September 1998

The **Community of the European Railways** and the **Federation of the Transport Workers' Unions in the European Union**, assembled within the Joint Committee on Railways,

considering the exclusion of the railways sector of Directive 93/104/EC;

whereas health and the staff safety constitute constant concern of the railways companies since they involve the safety of transported persons and goods;

considering that the principles of Directive 93/104/EC are already integrated into the regulations or texts governing the working conditions of the personnel in the railway undertakings;

whereas the railways sector will undergo, in the years to come, major changes enabling new companies to compete with the existing ones within the European Union;

whereas, in order to avoid intermodal competition resulting from the application of different rules with regard to health and safety of staff, that this agreement will enter into force only the day when similar agreements or a legislative act of the Council will cover all the transport sectors excluded from Directive 93/104/EC;

agree, subject to the non-regression in relation to the current working conditions, to apply the provisions of Directive 93/104/EC to all the railway companies and the infrastructure managers within the meaning of Article 3 of Directive 91/440/EC, by supplementing the exemptions of Article 17 for:

- the "intermittent activities", for which the duration of working time is not measured and/or is predetermined;
- the personnel "*spending their working time on board means of transport*" (so-called "*mobile*" personnel), whose activities are characterised by remoteness between the workplace and the place of the workers' residence;
- the "*activities connected with the transport schedules and ensuring continuity and the regularity of the traffic*", for which the continuity of service has to be ensured;

agree that the exemptions in question have to be regulated via subsidiarity.

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