



**Fédération Européenne  
des Médecins Salariés**  
European Federation  
of Salaried Doctors

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## European Commission

### Employment, Social Affairs & Inclusion

#### **Working Time: Commission requests Spain to respect forensic doctors' rights to maximum working hours and minimum rest periods**

Brussels, 20 February 2014

The European Commission has requested **Spain** to respect forensic doctors' rights to limits on their working hours and minimum rest periods, as required by the Working Time Directive ([2003/88/EC](#)).

Under Spanish law, several key rights contained in this Directive, such as a 48-hour limit to average weekly working time calculated over a 4-month reference period and minimum rest after working extra hours, are not guaranteed to forensic doctors. They are regularly required to perform weekly on-call duty in addition to their normal working time and national law does not guarantee that these extra hours are limited to 48 hours a week on average, calculated over the appropriate reference period.

Neither does national law ensure that the forensic doctors receive their minimum daily rest during these periods on duty.

Under the Directive, Member States are permitted to exclude from the provisions on minimum daily rest activities involving the need for continuity of service, but this is on the condition that the workers concerned are afforded equivalent periods of compensatory rest immediately after the extended working hours, which Spanish national law does not guarantee.

The Commission received a complaint about this situation, and sent a letter of formal notice to Spain in September 2012 to express its concerns.

The request takes the form of a 'reasoned opinion' under EU infringement procedures. Spain has two months to notify the Commission of measures taken to bring national legislation into line with EU law. Otherwise, the Commission may decide to refer Spain to the EU's Court of Justice.

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