



## Euro Commission asks IADC for second look at working time rule

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**EC Reexamines WTD (Brussels)**—The European Commission has asked IADC and other interested parties to participate in a reexamination of the EU Working Time Directive. This request comes on the heels of a recent report focusing on the so-called “opt-out”, which allows individuals to waive their rights under the Directive, and the definition and calculation of working time. As a result of recent European Court of Justice rulings, more Member States are turning to the use of the opt-out. The purpose of the consultation is to analyze both the implementation of the opt-out and derogations to the period over which working time is calculated (“reference period”), and impact of recent case law concerning the definition of working time and the qualification of time spent “on-call”, i.e., whether it should be “working time” or “rest period”. In addition, the consultation seeks suggestions on possible future modification of the Directive. The European offshore drilling industry substantially complies with the Directive, with or without the opt-out. In a related development, the UK House of Lords has asked the offshore oil and gas trades to clarify their administration of UK legislation implementing the European Directive.

In response to the European Commission, IADC with related offshore E&P trades set forth the following joint position, with particular emphasis on the impact on UKCS E&P:

“The industry has always believed that it is compliant with the Directive in its overall hours of work, its shift patterns, the provisions for rest breaks both during and outside working time, in annual leave and in the provision of health checks which is done for all who work offshore, whether on days or nights. A typical cycle involves two weeks of offshore working, followed by two weeks of onshore leave/rest break, although there are quite a number of variations to this.

“In terms of working offshore, we believe that the opt-out has very little relevance. Working hours are governed not only by the Regulations under the HAD, but also by the industry’s Offshore Installation Managers’ guidance of working hours and rest periods which was developed under Step Change in Safety, a joint initiative between the UK Health & Safety Executive, the unions and the industry. This OIMs’ guidance has itself been incorporated into our guidance for implementing the Regulations offshore which was published in 2003. This was adapted from UK DTL’s own guidance for the WTD when it was implemented onshore in 1998 and tailored to the Regulations and our industry’s particular requirements. It has been circulated throughout the industry.

“In regard recent European Court of Justice rulings addressing compensatory rest and ‘on call’ status, although accommodated near to their place of work, the vast majority of our people are not on-call (except if there is an emergency) and so our understanding would be that the SIMAP and Jaeger rulings only apply offshore to the extent that someone is required to be ‘on call’. It is, therefore, essential to this industry that these rulings remain strictly applicable to those who are on call. Any different interpretation would have highly deleterious effects for the production of oil and gas from the UK’s continental shelf and elsewhere in the EU. These effects could manifest themselves even more widely, given the shortage of skilled personnel in industries such as this one.”

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## COVER

*Axxis Drilling's inland drill barge Independence, a newbuild featuring advanced technology is shown working for People's Energy in Iberville Parish, Louisiana (p 26 for more in Axxis). Issue also includes reports on drilling activity in North Africa and the CIS (p 12), completion technology (p 34) and downhole tools (p 41).*