



10.1.2024

NOTICE TO MEMBERS

Subject: Petition No 0574/2023 by Ariana Dudună (Romanian) on the working conditions of teachers in Romania

1. Summary of petition

The petitioner explains that teachers' working conditions in Romania are not compatible with the principles stated in the Charter of Fundamental Rights of the European Union, the Community Charter of the Fundamental Social Rights of Workers, and the Directive (EU) 2019/1152 on Transparent and Predictable Working Conditions. She outlines that teachers in the public schools face multiple challenges, preventing them from exercising their practice optimally and impacting the students' rights to education. The petitioner refers in particular to prolonged working hours, the lack of training opportunities to upgrade skills, inadequate remuneration, difficulty to establish collective bargaining agreements, as well as to the shortage of teachers, especially in rural areas. She also outlines a list of EP Resolutions and Council Recommendations in this area, which are allegedly not taken into consideration by the Romanian authorities and asks for the petition to be debated in committee.

2. Admissibility

Declared admissible on 11 October 2023. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 10 January 2024

The petitioner asserted that the working conditions of Romanian teachers are not compatible with the principles of the European Charter of Fundamental Rights, the Directive on Transparent and Predictable Working Conditions, several Resolutions of the European Parliament and several Council Recommendations.

In addition, in the meeting of the PETI Committee of 24 October 2023, the petitioner has raised

doubts about the government's commitment to increase teacher salaries as per Government Ordinance 57/2023, due to delays linked to the development of the Law on unitarian pay. The latter is a milestone in Romania's Recovery and Resilience Plan, with a deadline of 30 June 2023.

The Commission is aware of the challenges linked to the working conditions of teachers in Romania, as well as in other EU Member States. Recognising the importance of the teaching profession, the 2023 edition of the European and Training Monitor¹, published on 30 November, discusses the main challenges and developments in the field of teacher policies in all Member States. The Commission's Communication on achieving the European Education Area by 2025² published in 2020 together with the Digital Education Action Plan 2021-2027³ stress the need to valorise and recognise the education profession. Nevertheless, the Commission would like to point out that in line with the European Treaties, education falls exclusively within the responsibilities of the Member States.

Article 6 of the Treaty on the Functioning of the European Union (TFEU)⁴ limits the role of the EU in the area of education to supporting, coordinating or supplementing Member States' actions. Furthermore, article 165(1) TFEU provides that the EU Member States remain responsible for the content of teaching and the organisation of their education systems. Member States (in this case: Romania) are free to organise their education systems as they deem appropriate – provided that they respect the obligations under EU law⁵. National competences extend inter alia to wage setting, working conditions, recruitment and training.

Within its remit, the Union supports Member States in education both by facilitating the exchange of good practices and by providing funding through the Erasmus+ programme, but also via the Cohesion Policy funding and the Recovery and Resilience Facility (RRF). The Romanian education system has benefitted from large-scale investments from EU funds in the previous programming periods.

One such example is the CRED project (Relevant curriculum, open education for all), co-financed by the European Social Fund, through which more than 55 000 teachers took part in training and more than 58 000 teachers received support in their current activities. The Recovery and Resilience Facility⁶ is also supporting a large-scale teacher training programme for staff in early childhood education and care, as well as a dedicated programme to help teachers improve their digital skills. The Commission invites the petitioner to consult the dedicated webpage on ongoing reforms and policy developments and National reforms in

¹ <https://op.europa.eu/webpub/eac/education-and-training-monitor-2023/en/index.html>

² https://education.ec.europa.eu/sites/default/files/document-library-docs/eea-communication-sept2020_en.pdf

³ https://education.ec.europa.eu/sites/default/files/document-library-docs/deap-communication-sept2020_en.pdf

⁴ OJ C 202, 7.6.2016, p. 47, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AC%3A2016%3A202%3ATOC>.

⁵ e.g. the organisation of the education system should not restrict the right of EU citizens and their family members to move and reside freely within the EU, etc.

⁶ Romania's National Recovery and Resilience Plan, supported by the RRF, is available at data.consilium.europa.eu/doc/document/ST-12319-2021-ADD-1/en/pdf.

school education in Romania 2023⁷.

Romania has recently revised its education laws, introducing important changes for the teaching profession, for example, in the area of initial and continuous teacher education, as well as measures specifically addressing schools and teachers in rural areas. The new legislative framework, together with the more than EUR 3 bn to be invested in the Romanian education and training system through the RRF and EUR 1.6 billion from the European Social Fund+, could help improve the working conditions of teachers. This may also help attract more teachers to disadvantaged and rural schools.

As regards the EU Directive on adequate minimum wages, the petition does not specify which of its provisions is allegedly being infringed by Romania. In this regard, it should be noted that this Directive does not contain any obligation for Member States to engage in collective bargaining with public employees, but only instructs Member States to take measures to promote collective bargaining on wage-setting in general, leaving them flexibility as to the nature of these measures. In any event, the Directive is still within the transposition period and Member States have until 15 November 2024 to transpose it to their national legal order.

Regarding the references to the European Charter of Fundamental Rights and the EU directives on working time (2003/88/EC) and on transparent and predictable working conditions (2019/1152): The petitioner has not supplied any information which could indicate a breach by Romania of EU law, notably the Charter of Fundamental Rights or Directive 2003/88/EC on working time or Directive (EU) 2019/1152 on transparent and predictable working conditions.

As far as working time is concerned, the petitioner indicates that actual worked hours exceed those set out in the contract. This indicates that there may be a breach of national law. However, the European Commission does not have the authority to investigate individual cases. In line with the division of competences between the EU and the Member States, as reflected in the European Treaties, it is for the national authorities of those states to apply national law (including the rules that transpose the EU law) on a case-by-case basis. Those national authorities (including the courts and tribunals) are in a better position to decide on the details of each individual case once the relevant facts have been clarified.

As far as transparent and predictable working conditions are concerned, it should be noted that the obligation to inform workers about reference days and hours applies to workers whose work pattern is mainly or entirely unpredictable (such as zero-hours contractors), not to workers with a standard working day or week.

Conclusion

In conclusion, the European Commission would like to thank the petitioner for raising at the level of the European Parliament the challenges faced by the teaching profession and the importance of ensuring proper working conditions. The Commission is aware of the challenges linked to the working conditions of teachers in Romania, as well as in other EU Member States. Recognising the importance of the teaching profession, the 2023 edition of the European and Training Monitor⁸, published on 30 November, covers the main challenges and developments

⁷ <https://eurydice.eacea.ec.europa.eu/national-education-systems/romania/ongoing-reforms-and-policy-developments>

⁸ <https://op.europa.eu/webpub/eac/education-and-training-monitor-2023/en/index.html>

in the field of teacher policies in all EU Member States. We would like to emphasise that in line with the European Treaties, the responsibility for investigating the aspects raised by the petitioner lie with the national courts and tribunals.