

THE RIGHT TO DISCONNECT AND THE NECESSITY OF ITS REGULATION

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Abstract

Recently, especially during and after the COVID-19 pandemic, digitalization has brought significant changes to the way employment relationships are carried out, with telework/remote work/online work being increasingly used in both the private and the public sectors.

According to the European Parliament resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)), which took into account the report of Eurofound of 31 July 2019 entitled “The right to switch off”, the Eurofound Working Paper entitled “The right to disconnect in the 27 EU Member States” and the UNI Global Union’s report entitled “The Right to Disconnect: Best Practices”, the ever greater use of digital tools for work purposes has resulted in an “ever-connected”, “always on” or “constantly on-call” culture, which can have detrimental effect on workers’ fundamental rights and fair working conditions, including fair remuneration, the limitation of working time and work-life balance, physical and mental health and safety at work and well-being.

Also, according to the aforementioned resolution, excessive use of technological devices can aggravate phenomena such as isolation, techno-addiction, sleep deprivation, emotional exhaustion, anxiety and burnout.

This article examines the importance and the need to regulate the right to disconnect and provides a detailed analysis of certain provisions of the Proposal for a directive of the European Parliament and of the Council on the right to disconnect.

Keywords: *the right to disconnect, workers, health of workers, digital tools, working time.*

1. Introduction

The present paper analyses several aspects regarding the workers' right to disconnect from digital tools used for professional purposes. It outlines the context underlying the necessity of its regulation at the European Union level and provides a general overview of the directive as the legal instrument of the European Union through which the right to disconnect will be regulated. Furthermore, the study examines the current status of the Proposal for a Directive of the European Parliament and of the Council on the right to disconnect, alongside a detailed analysis of its substantive provisions.

The workers' right to disconnect from digital tools used for professional purposes represents a novel right, which remains, at present, unregulated at the European Union level.

The regulation of the right to disconnect from digital tools used for professional purposes is of paramount importance and, simultaneously, a pressing necessity. This urgency arises from the significant alterations in the execution of employment relationships within both the private and public sectors due to the phenomenon of digitalization in recent years. Consequently, teleworking, remote work, and online work have become increasingly prevalent for the performance of professional activities. This shift has seriously compromised the work-life balance, as digital tools frequently lead employees to perform their duties outside of designated working hours.

The importance and the necessity of regulating the right to disconnect are undeniably substantiated by the studies analysed for this article, specifically the Eurofound Report of July 31, 2019, entitled “The right to switch off”, the Eurofound working document “The right to disconnect in the 27 EU Member States” and the UNI Global Union's Report entitled “The Right to Disconnect: Best Practices”. These are further reinforced by the European Parliament Resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL))¹.

Given that the right to disconnect is not yet regulated at the European Union level, existing only in the legislation of certain EU Member States, and that there is a notable absence of comprehensive scholarly works

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¹ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021IP0021>.

on this right beyond brief articles, this study provides original insights and a thorough analysis of the Proposal for a Directive of the European Parliament and of the Council on the right to disconnect.

2. The context underlying the necessity to regulate the workers' right to disconnect at the European Union level

In recent years, particularly during and following the COVID-19 pandemic, digitalization has significantly altered the execution of employment relationships. Teleworking, remote work, and online work have become increasingly prevalent across both the private and public sectors.

Since 2019, the prevalence of online work has doubled within the European Union, by 2024, one in five Europeans (20.3%) worked from home at least part of the time².

While the performance of professional activities via teleworking, remote work or online work offers significant advantages for employees, such as increased flexibility regarding working hours and enhanced time efficiency by eliminating commuting, in many instances, it adversely affects the work-life balance. Using digital tools, employees often remain permanently connected, leading to situations where they are contacted or required to perform tasks outside of their designated working hours.

Data from the 2021 European Working Conditions Telephone Survey indicated that teleworkers frequently performed additional - and unpaid - overtime, primarily due to digital tools making it exceedingly difficult to establish a boundary between professional and personal life³.

An analysis of the European Parliament Resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)) reveals that its foundation relied upon, inter alia, the Eurofound Report of 31 July 2019 entitled "The right to switch off", the Eurofound Working Paper entitled "The right to disconnect in the 27 EU Member States" and the UNI Global Union's Report entitled "The Right to Disconnect: Best Practices".

It has been established that the use of digital tools for work purposes has fostered an "ever-connected", "always on" or "constantly on-call" culture. This phenomenon can exert a detrimental impact on the fundamental rights of workers and on fair working conditions, including equitable remuneration, the limitation of working hours, work-life balance, physical and mental health, occupational safety, and overall well-being⁴.

Furthermore, it has been established that "the excessive use of technological devices can exacerbate phenomena such as isolation, technology addiction, sleep deprivation, emotional exhaustion, anxiety and burnout"⁵.

Against this backdrop, there has emerged a pressing need to regulate the workers' right to disconnect, in order to ensure enhanced protection for them.

3. A few general considerations regarding the directive as the European Union legal instrument for regulating the right to disconnect

According to Article 288 third paragraph of the TFEU, a directive is binding, as to the result to be achieved, upon each Member State to which it is addressed, while leaving the national authorities the choice of form and methods by which that result is attained.

As Member States are the addressees of a directive, they are under obligation to ensure its full transposition within the timeframe established by each specific directive. This entails the obligation to adopt all national provisions within the internal legal order that can achieve the result prescribed by this instrument of secondary law⁶.

² According to the website: <https://www.juridice.ro/793677/dreptul-salariatilor-la-deconectare-in-atentie-ce.html>, last time consulted on 23.03.2026.

³ According to the website: https://eures.europa.eu/remote-workers-and-their-right-disconnect-regulating-telework-eu-2024-05-17_ro, last time consulted on 23.03.2026.

⁴ According to Recital C of the Resolution.

⁵ Recital E of the Resolution.

⁶ Stéphane Leclerc, *Droit de l'Union européenne*, Editeur Gualino, Paris, 2019, p. 37.

Consequently, a directive is considered an incomplete act, necessitating transposition into national legislation by Member States to be effectively implemented⁷ and it does not enjoy direct applicability and, as a corollary, lacks direct effect⁸.

In legal doctrine, the directive has been assigned various designations and definitions, underscoring the significant scholarly attention afforded to this European Union legal instrument. Accordingly, it is conceptualized as “the Union’s indirect law”⁹, characterized as “the most mysterious”¹⁰ of the EU’s legal tools. It is further regarded as “an instrument of harmonization, namely, of cooperation and the approximation of national legislations”¹¹, which seeks to “reconcile the pursuit of a common Union law with the preservation of national specificities”¹². Furthermore, “as a source of law, it represents a compromise between the necessity of legislating at the Union level and state sovereignty”¹³. Concurrently, it is argued that the directive’s purpose lies in reconciling the dual objectives of ensuring the requisite uniformity of the EU law while respecting the diverse national traditions and structures of the EU Member States¹⁴.

The role of the directives, as conceived within the European normative system, is to align the standards and objectives assumed by the EU Member States, while leaving the choice of form and methods for their achievement to the discretion of the national authorities¹⁵.

It is observed that Article 288 TFEU does not expressly mention the “transposition” of the directive; however, other provisions of the Treaty explicitly refer to this process. For instance, the second sentence of Article 153(3) TFEU addresses the deadline by which a directive or a decision must be transposed or implemented. Furthermore, Article 260(3) TFEU concerns the failure of a Member State to fulfil its obligation to notify the measures taken to transpose a directive adopted under a legislative procedure¹⁶.

The transposition of a directive represents the process by which the addressee EU Member State proceeds with the adoption of the measures necessary for its practical implementation. Transposing a directive into domestic law entails its execution through internal measures, a process analogous to the implementation of national framework legislation through subordinate normative acts¹⁷.

The concept of “transposition” must not be conflated with that of “implementation”, the latter referring to instances where a regulation, directive or decision necessitates supplementary national measures to facilitate its effective application (measures which do not fall under the strict definition of “transposition”), such as, the provision of sanctions, the establishment of supervisory or assisting bodies to oversee the application of the EU norms, the creation of the requisite infrastructure or the allocation of budgetary resources¹⁸.

The term “transposition of the directives” must likewise not be confused with the concept of “enforcement”, which entails the exercise of control and the application of sanctions arising from the breach of norms adopted at the national level, thereby ensuring substantive compliance with the requirements of the directive¹⁹.

A correct transposition is of paramount importance for ensuring that individuals are aware of their rights, particularly in instances where the beneficiaries of the rights conferred by the directive are nationals of other EU Member States²⁰.

⁷ According to Mihaela Augustina Dumitrașcu, *Dreptul Uniunii Europene și specificitatea acestuia*, ediția a II-a, revăzută și adăugită, Editura Universul Juridic, București, 2015, p. 92.

⁸ Augustin Fuerea, *Dreptul Uniunii Europene - principii, acțiuni, libertăți*, Editura Universul Juridic, București, 2016, p. 48.

⁹ Robert Schütze, *Dreptul constituțional al Uniunii Europene*, Editura Universitară, București, 2012, p. 320.

¹⁰ *Idem*.

¹¹ Gyula Fábián, *Drept instituțional al Uniunii Europene*, ediția a 3-a, Editura Hamangiu, București, 2023, p. 78.

¹² N. de Sadeleer, I. Hachez, *Hiérarchie et typologie des actes juridiques de l'Union Européenne*, în N. de Sadeleer, H. Dumont, P. Jadoul, S. Van Drooghenbroeck (coord.), *Les innovations du Traité de Lisbonne, Incidences pour le praticien*, Ed. Bruylant, Bruxelles, 2011, p. 63, apud Laura-Cristiana Spătaru-Negură, *Dreptul Uniunii Europene - o nouă tipologie juridică*, Editura Hamangiu, București, 2016, p. 107.

¹³ Gyula Fábián, *op. cit.*, p. 78.

¹⁴ Laura Poțincu, Cristian-Romeo Poțincu, *Dreptul Uniunii Europene, evoluție a dreptului comunitar. Interferențe juridice și economice în comerțul din România, stat membru al Uniunii Europene*, Editura C.H. Beck, București, 2020, p. 286.

¹⁵ According to Andrei-Răzvan Lupu, *Constituția și dreptul Uniunii Europene. Norme, doctrină, jurisprudență*, Editura C.H. Beck, București, 2022, p. 95.

¹⁶ According to Daniel-Mihai Șandru, Constantin Mihai Banu, Dragoș Alin Călin (coordonatori), *Directiva - act de dreptul Uniunii Europene - și dreptul român*, Editura Universitară, București, 2016, pp. 20-21.

¹⁷ Mihaela Augustina Dumitrașcu, *op. cit.*, p. 212.

¹⁸ According to Mihaela Augustina Niță, *Dreptul Uniunii Europene I. Curs universitar*, ediția a III-a, revăzută și adăugită, Editura Universul Juridic, București, 2025, p. 341.

¹⁹ *Idem*.

²⁰ Paul Craig, Gráinne De Búrca, *EU Law: Text, Cases, and Materials*, seventh edition, Oxford University Press, Oxford, 2020, p. 1158.

According to Article 45 of Law no. 24/2000²¹ on the rules of legislative technique for the drafting of normative acts, republished, with subsequent amendments and completions, any normative act transposing a European Union directive must include, following its operative part, a mention containing the identification elements of the incorporated directive, according to the following model: "The present... (the type of normative act is specified) transposes the Directive no. .../... on ..., published in the Official Journal of the European Union no. .../...". In cases of partial transposition, this mention must specify in detail the particular texts (sections, articles or paragraphs, as applicable) that have been transposed.

4. The status of the Proposal for a directive of the European Parliament and of the Council on the right to disconnect

The workers' right to disconnect falls in the scope of social policy, a field in which the European Union exercises shared competence with the EU Member States, pursuant to Article 4(2)(b) TFEU.

Furthermore, it should be noted that, under Article 153(1)(a) and (b) TFEU, the Union shall support and complement the activities of the Member States in the following areas: improvement in particular of the working environment to protect workers' health and safety, and working conditions.

It is observed that, at present, there is no dedicated European Union legal act directly regulating the workers' right to disconnect; however, significant institutional momentum has developed in this regard. Notably, through the European Parliament Resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)), the Parliament called upon the Commission to include this right into its new occupational safety and health strategy. Furthermore, the Parliament urged the Commission to explicitly provide for new psychosocial measures within the framework of Occupational Safety and Health and to present a formal legislative proposal on the right to disconnect, in accordance with the recommendations set out in the Annex to the Resolution²².

Furthermore, according to the Resolution, "the right to disconnect is a fundamental right which forms an inseparable part of the new working patterns in the new digital era"²³ and "should be seen as an important social policy instrument at Union level to ensure the protection of the rights of all workers"²⁴.

According to Article 154(2) TFEU, "before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action."

The first phase of the consultations with the social partners took place between 30 April and 25 June 2024²⁵. Subsequently, on 25 July 2025, the second phase was launched, with the social partners invited to submit their responses by 6 October 2025²⁶.

Consequently, as of the current date, there is no formal Commission proposal for a directive submitted to the European Parliament and the Council. However, upon its finalization, the provisions of Article 294 TFEU concerning the ordinary legislative procedure shall apply.

Nevertheless, despite the current absence of specific European Union legislation governing the workers' right to disconnect, it is observed that this right has already been codified within the national legal frameworks of several Member States. Notable examples include Belgium, France, Croatia, Greece, Portugal, and Spain²⁷.

Regarding Romanian labour legislation, it does not explicitly regulate the employees' right to disconnect; however, it contains clear provisions concerning the duration of working time, overtime and rest periods. These provisions represent the transposition of several European Union directives into the domestic legal framework²⁸.

²¹ Republished in the Official Journal no. 260 of 21 April 2010.

²² According to recitals 25 and 26 of the Resolution.

²³ Recital H of the Resolution.

²⁴ *Idem*.

²⁵ According to the website: https://employment-social-affairs.ec.europa.eu/document/download/cca467bb-f77e-4dac-b3aa-60b205be7ecc_en?filename=C_2025_7020_1_EN_ACT_part1_v4.pdf, last time consulted on 23.03.2026.

²⁶ According to the website: https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1907, last time consulted on 23.03.2026.

²⁷ According to the website: https://osha.europa.eu/sites/default/files/documents/Regulating_telework_post-COVID-19_Europe_en.pdf, last time consulted on 23.03.2026.

²⁸ For example, the Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, published in the Official Journal L 299, 18.11.2003.

5. Analysis of the substantive provisions of the Proposal for a directive of the European Parliament and of the Council on the right to disconnect

The Proposal for a directive of the European Parliament and of the Council on the right to disconnect, which constitutes the Annex to the Resolution, is comprised of a preamble containing 33 recitals and a total of 14 articles.

Regarding the subject matter of the Directive, it is observed that, according to Article 1(1) of the proposal, the directive lays down minimum requirements to enable workers who use digital tools, including ICT, for work purposes, to exercise their right to disconnect and, at the same time, to ensure that employers respect workers' right to disconnect.

The substantive scope of the Directive pertains to all sectors, both public and private, and its personal scope encompasses all workers, independent of their status and their working arrangements.

Regarding the concept of "worker", the CJEU has clarified that it cannot be interpreted differently according to national legal systems, as it possesses an autonomous meaning specific to Union law (Union syndicale Solidaires Isère, C-428/09, EU:C:2010:612, paragraph 28)²⁹. Furthermore, it "must be defined in accordance with objective criteria which distinguish the employment relationship, having regard to the rights and duties of the persons concerned"³⁰. In addition, the CJEU has established that a "worker" must be considered "any person who pursues real and effective activities, to the exclusion of activities which are on such a small scale as to be regarded as purely marginal and ancillary"³¹, and the essential feature of an employment relationship is that "for a certain period of time, a person performs services for and under the direction of another person in return for which he receives remuneration"³².

Regarding the personal scope of the Directive, we support the *de lege ferenda* proposal formulated in legal doctrine concerning "the inclusion within the Directive's protective scope of those socio-professional categories engaged in independent activities, such as doctors, lawyers, engineers etc."³³.

Furthermore, it is noted that, pursuant to Article 1(2), the Directive particularises and complements four other directives, namely Directives 89/391/EEC, 2003/88/EC, (EU) 2019/1152 and (EU) 2019/1158, without prejudice to the requirements laid down in those Directives.

Article 2 sets out the definitions for two key terms: "disconnect" and „working time”.

It is observed that, although the Directive addresses the "right to disconnect"³⁴, it does not provide a formal definition of this right as such, but rather defines the expression "to disconnect", which signifies "not to engage in work-related activities or communications by means of digital tools, directly or indirectly, outside working time"³⁵.

In this context, we consider that, for reasons of terminological precision, the designation of the new right intended to be regulated should be "the worker's right to disconnect from digital tools used for professional purposes", as, in our view, the abbreviated designation, "the right to disconnect", could give rise to the perception of a right to leisure (even though disconnection from digital tools also entails such a leisure-related component).

Additionally, we maintain that it would be beneficial to define the expressions "direct involvement" and "indirect involvement" in work-related activities or communications via digital tools outside of working hours.

Regarding the definition of "working time", it is observed that a cross-reference is made to "working time as defined in point (1) of Article 2 of Directive 2003/88/EC".³⁶

According to point (1) of Article 2 of Directive 2003/88/EC, working time is defined „any period during which the worker is working, at the employer's disposal and carrying out his activity or duties, in accordance with national laws and/or practice”.

²⁹ According Judgment of the Court (First Chamber), 26 martie 2015, Gérard Fenoll c./ Centre d'aide par le travail „La Jouvène”, Association de parents et d'amis de personnes handicapées mentales (APEI) d'Avignon, C-316/13, EU:C:2015:200, par. 25.

³⁰ Ibidem, par. 27.

³¹ Ibidem.

³² Ibidem.

³³ Claudia-Ana Moarcăș, Dreptul la deconectare, în Curierul Judiciar nr. 6/2021, p. 322.

³⁴ We note that, at Recital A of the Resolution, it is used the concept in extenso, namely "the worker's right to disconnect from digital tools, including information and communication technology (ICT), for work purposes".

³⁵ Article 2(1) of the Proposal for the directive.

³⁶ Article 2(2) of the Proposal for the directive.

The CJEU has ruled that, in circumstances where workers do not have a fixed or habitual place of work, the travel time spent by such workers on daily travel between their homes and the premises of the first and last customers designated by their employer constitutes “working time” within the meaning of Article 2(1) of the Directive³⁷.

Articles 3 to 7 set out several obligations for Member States, requiring them to ensure, inter alia, that:

- “employers take the necessary measures to provide workers with the means to exercise their right to disconnect”³⁸, „including by providing them with platforms for disconnecting from digital tools used in the work process”³⁹;
- employers set up an objective, reliable and accessible system enabling the duration of time worked each day by each worker to be measured, in accordance with workers’ right to privacy and to the protection of their personal data and workers shall have the possibility to request and obtain the record of their working times⁴⁰;
- “employers implement the right to disconnect in a fair, lawful and transparent manner”⁴¹;
- detailed arrangements are established to enable workers to exercise their right to disconnect, for which purpose they must provide for at least the following working conditions⁴²:
 - o - “the practical arrangements for switching off digital tools for work purposes, including any work-related monitoring tools”⁴³;
 - o - “the system for measuring working time”⁴⁴;
 - o - “health and safety assessments, including psychosocial risk assessments, with regard to the right to disconnect”⁴⁵;
 - o - “the criteria for any derogation by employers from their requirement to implement a worker’s right to disconnect”⁴⁶.
- employers shall be prohibited from discriminating against, treating less favourably, dismissing or taking other adverse measures against workers on the ground that they have exercised or sought to exercise their right to disconnect⁴⁷;
- workers whose right to disconnect has been infringed shall have access to swift, effective and impartial dispute resolution mechanisms and, concurrently, shall have the right of redress in the case of infringement of their rights arising from this Directive⁴⁸;
- employers shall provide each worker in writing with sufficient, clear and adequate information regarding their right to disconnect, including a statement setting out the terms of any applicable agreements, whether collective or otherwise⁴⁹.

Regarding the provisions of Article 4(1), first subparagraph, first sentence (“Member States shall ensure (...) that employers implement that right in a fair and transparent manner”), we consider that the text warrants revision and redrafting, as it constitutes a near-identical reiteration of the provisions set forth in Article 3(3) - “Member States shall ensure that employers implement the right to disconnect in a fair, lawful and transparent manner”.

An analysis of the provisions set out in Article 4(1), first subparagraph, second sentence, points (d) and (e), and the second subparagraph of the draft directive reveals that derogations from the employers' obligation to implement the workers' right to disconnect are permitted only if the following conditions are met:

³⁷ Hotărârea Curții (Camera a treia) din 10 septembrie 2015, Federación de Servicios Privados del sindicato Comisiones obreras (CC.OO.) împotriva Tyco Integrated Security SL și Tyco Integrated Fire & Security Corporation Servicios SA, Cauza C-266/14, pct. 50, apud Nicolae Voiculescu, Maria-Beatrice Berna, *Tratat de drept social internațional și european*, Editura Universul Juridic, București, 2019, pp. 318-319.

³⁸ Article 3(1) of the Proposal for the directive.

³⁹ Claudia-Ana Moarcăș, op. cit., p. 321.

⁴⁰ According to Article 3(2) of the Proposal for the directive.

⁴¹ Article 3(3) of the Proposal for the directive.

⁴² According to Article 4(1) of the Proposal for the directive.

⁴³ Article 4(1)(a) of the Proposal for the directive.

⁴⁴ Article 4(1)(b) of the Proposal for the directive.

⁴⁵ Article 4(1)(c) of the Proposal for the directive.

⁴⁶ Article 4(1)(d) of the Proposal for the directive.

⁴⁷ According to Article 5(1) of the Proposal for the directive.

⁴⁸ According to Article 6(1) of the Proposal for the directive.

⁴⁹ According to Article 7 of the Proposal for the directive.

- allowing compensation for work performed outside working time⁵⁰;
- the derogation must be granted “only in exceptional circumstances, such as cases of force majeure or other emergencies”⁵¹, “with the national courts bearing the obligation to verify, in accordance with national legislation, what such exceptional circumstances might entail”⁵².
- “the employer shall provide each worker concerned with reasons in writing, substantiating the need for the derogation on every occasion on which the derogation is invoked”⁵³.

A significant aspect warranting further clarification is found in Article 9(2) of the draft Directive, pursuant to which the Directive “shall not affect Member States’ prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers”, which translates that EU Member States may establish more favourable provisions by leveraging these provisions.

Regarding transposition, According to Article 11(1) of the draft Directive, Member States are under obligation to transpose the Directive within a maximum of two years from the date of its entry into force.

It should be noted that the transposition of the Directive into Romanian legislation will primarily necessitate the amendment and completion of Law no. 53/2003 – the Labour Code, republished, as subsequently amended and supplemented, which contains the general regulations applicable to employment relationships. Furthermore, legislative interventions will also be required regarding Law no. 81/2018 on the regulation of teleworking activities, as subsequently amended and supplemented.

Moreover, given that the directive on the right to disconnect, according to the draft, elaborates upon and supplements Directives 89/391/EEC, 2003/88/EC, (EU) 2019/1152, and (EU) 2019/1158, it will also be necessary to analyse the national normative acts through which these directives were transposed. This analysis is required to determine whether further amendments and/or completions of said acts are warranted.

6. Conclusions

The necessity of regulating, at the European Union level, the workers' right to disconnect from digital tools, including Information and Communication Technologies (ICT) used for professional purposes, is substantiated by numerous specialized studies. These studies highlight the adverse consequences of the excessive use of technological devices for work-related purposes, with such repercussions including sleep deprivation, emotional exhaustion, anxiety, and extreme fatigue (burnout).

In this context, we maintain that the European Parliament Resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)) represents a significant milestone toward the regulation of this nascent workers' right viewed as “a fundamental right which forms an inseparable part of the new working patterns in the new digital era”⁵⁴.

Although a formal Commission proposal for a directive has yet to be submitted to the European Parliament and the Council, it is hoped that such an instrument will be finalized and adopted in the near future (according to the ordinary legislative procedure set out in Article 294 TFEU). This would ensure that workers benefit from enhanced protection of their fundamental rights.

Regarding the substance of the Proposal for a Directive of the European Parliament and of the Council on the right to disconnect, which constitutes the Annex to the Resolution, it is observed that clear obligations are imposed upon Member States to ensure that the workers' right to disconnect is effectively guaranteed.

Although specific European Union legislation governing the right to disconnect is currently absent, this right has been codified within the national legal frameworks of several EU Member States (e.g., Belgium, France, Croatia, Greece, Portugal and Spain).

In Romania, the employees' right to disconnect remains explicitly unregulated; nevertheless, national labour legislation sets forth clear provisions concerning the duration of working time, overtime and rest periods.

⁵⁰ According to Article 4(1)(e) of the Proposal for the directive.

⁵¹ Article 4(1) the second subparagraph of the Proposal for the directive.

⁵² Claudia-Ana Moarcăș, *op. cit.*, p. 321.

⁵³ Article 4(1) the second subparagraph of the Proposal for the directive.

⁵⁴ Recital H of the Resolution.

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