



# EUROPEAN ELECTIONS 2019

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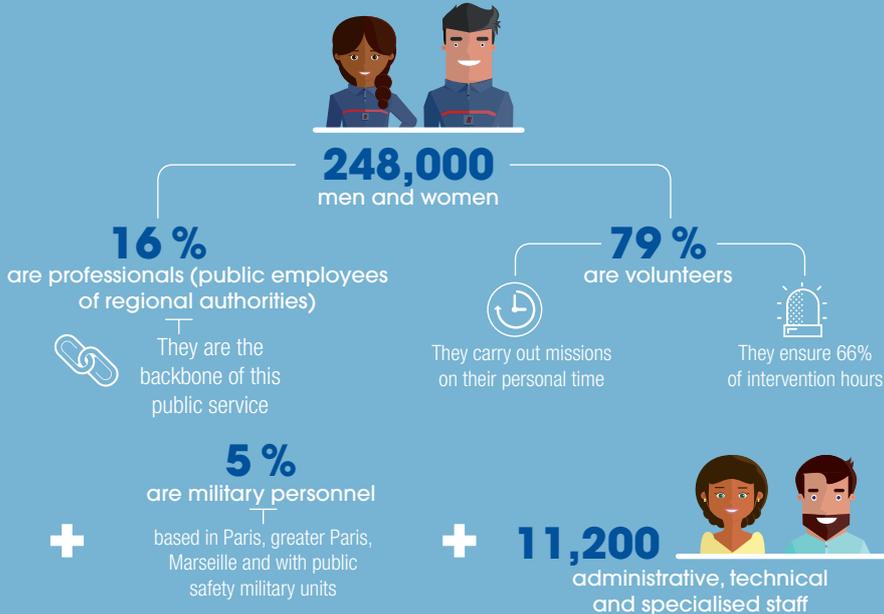
## POSITION PAPER FROM FIREFIGHTERS IN FRANCE

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European elections: an opportunity  
to build a Europe that protects  
against threats and disaster

# FIREFIGHTERS IN FRANCE AND EUROPE

## FRANCE'S FIREFIGHTERS



the traditional emergency #, and 112, the new European #

Receive **19 million** calls per year

**4.65 millions** emergency responses

**84%** rapid medical assistance / medical rescue



**28,000**  
youth firefighters (JSP)

They are between the ages of 11 and 18.

They train on Wednesdays and Saturdays with the adult firefighters they will replace later, and already demonstrate real commitment.



**3,7 million** victims treated annually

## FRANCE'S EMERGENCY RESPONSE AND CRISIS MANAGEMENT SYSTEM

Our emergency response system, shaped by national public safety policy<sup>1</sup>, covers:

**Risk prevention** of all kinds,

Information and **alerting the public**,

**Protecting people, property and the environment** against accidents, damage and disaster.

It is a competence shared by the **French State** and **local authorities**.

National public safety resources

DIRECTION GÉNÉRALE DE LA SÉCURITÉ CIVILE ET DE LA GESTION DES CRISES

- Central authorities
- Bomb disposal experts
- Water bomber planes and helicopters
- Public safety military units (FORMISC)

**Additional support is provided by:**

- various government services,
- certified public safety associations,
- community reserve volunteers (RCSC)
- requisitioned private resources

Emergency response services are ensured by firefighters



based at

- Regional fire and rescue services (Sdis)
- Communal fire brigades

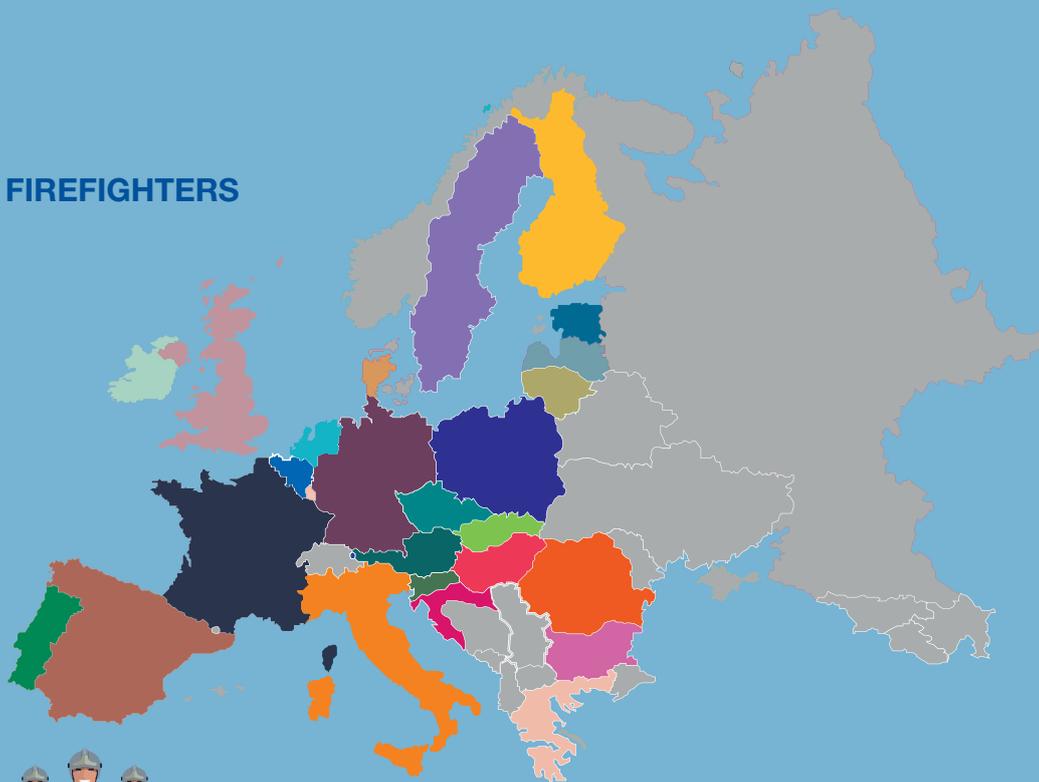


- Military units  
the Paris Fire Brigade (BSPP) and the Marseille Naval Fire Battalion



<sup>1</sup>The European Union employs the term 'civil protection'.

## ▶ EUROPEAN FIREFIGHTERS



According to 2017 statistics published by the International Association of Fire and Rescue Services (CTIF)

Austria	242,000
Belgium	12,000
Bulgaria	2,700
Croatia	57,000
Cyprus	0
Czech Republic	70,000
Denmark	1,700
Estonia	1,700
Finland	12,000
France	195,000
Germany	1 023 000
Greece	1,500
Hungary	18,000
Ireland	0
Italy	20,000
Latvia	70
Lithuania	340
Luxembourg	8,300
Malta	200
Netherlands	19,000
Poland	260,000
Portugal	45,000
Romania	114,000
Slovakia	70,000
Slovenia	40,000
Spain	3,400
Sweden	2,400
United Kingdom	1,500

Dear candidates in the May 2019 European elections,

You have decided to stand as a candidate in the European elections and aspire to a seat in the European Parliament for its next term.

During this mandate, you will be tasked with defending the interests of Europeans, and in particular, their safety.

Given an increase in risks and natural disasters; the challenges of climate change; terrorist threat, and the challenges of distributing assistance during pandemics, civil protection is a major concern for European citizens. For this reason, a “Europe that Protects” was the key theme of the 2014-2019 mandate.

**At the European level, civil protection is based on the principle of subsidiarity and depends on resources contributed by Member States and regional authorities, which in turn often rely on volunteering. This model is in serious danger. Tomorrow, without European efforts, the provision of day-to-day assistance and the protection of citizens in the event of disaster is under threat. Your mandate will be pivotal in this area and on key initiatives.**

Furthermore, while the current system is effective, it does have certain drawbacks and would benefit from reinforcement.

This is the driving force of the appeal made by France’s 248,000 firefighters for a 2019-2024 term which meets the expectations of European citizens.

**Grégory Allione**

President of the national firefighters federation of France and the FNSPF’s association for wards and orphans of firefighters (ODP)

# PROTECTING VOLUNTEERING FROM WORKING TIME DIRECTIVE

France's emergency response system relies on the selfless and generous commitment of volunteer firefighters, who make up 79% of the country's firefighting forces.

Their dedication and efforts may be obstructed, however? by the application of a certain European Directive.

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 may apply to volunteer firefighters, based on rulings of the Court of Justice of the European Union which consider them as workers rather than freely committed citizens.

## A A Current context

On 21 February 2018, the **Court of Justice of the European Union<sup>2</sup> handed down** a preliminary ruling on a dispute between **Rudy Matzak, a Belgian volunteer firefighter, and the town of Nivelles**, concerning the payment of certain services such as "stand-by duty time". **The Court considered that as a volunteer, Mr Matzak should be treated as a "worker"** as defined by the Directive and that his stand-by time should be considered working time.

In France, **Act No. 2011-851 of 20 July 2011 on the commitment of volunteer firemen and its legal framework** (the 'Morel-A-L'Huissier' Law, adopted unanimously by the French National Assembly), consolidated in Articles L 723-3 et seq. of the Code on National Security, **recognises the exceptional nature of volunteering**, which it defines as a **free commitment** by an individual to serve the community, on a volunteer basis, **carried out not as a profession but in conditions unique to this activity**, to which neither the labour code nor civil servant status apply, unless otherwise decreed by law<sup>3</sup>. Despite this, **claims<sup>4</sup> have been submitted before French courts, based on the Matzak ruling**, to have volunteer firefighters in France recognised as workers.

## B What would be the effects of such a re-classification?

As highlighted in a Mission Volontariat report submitted to the French Minister of the Interior on 23 May 2018, **volunteering is a selfless and generous commitment which cannot be likened to a workload. If this were the case, the system would cease to exist: volunteering time would be calculated against the authorised 48-hour work week and would be subject to the daily, 11-hour minimum rest period.**

Instead of a system based on availability and agreements signed with employers to allow absences for training and intervention activities, **volunteer firefighters would be considered as having two jobs.**

This would be problematic for both volunteers and their public or private employers and **make the combination of a volunteer commitment and a professional activity impossible**: 69% of French volunteer firefighters are employees. This new system would also be detrimental to **department-level fire and rescue services, which would be forced to hire professional, part-time firefighters** to replace former volunteers.

## The Mission Volontariat report reveals the consequences of such a scenario based on the same budget:

- Resources reduced to 48,000 part-time, contract firefighters working 12 hours/week, versus 195,000 volunteers in 2017;
- a 12% drop in day shift work potential and 15% drop in night shift work potential;
- the elimination of stand-by duty potential by drying up volunteer resources;
- the destruction of additional potential in the event of catastrophe, as human resources are assigned to day-to-day tasks.

A **selfless and generous commitment, not based on profit** (remunerated only by an hourly fee to cover expenses and an end-of-service entitlement) **would be replaced by a contractual status entitling volunteers to retirement pay**, which would result in **significant legal, fiscal and social challenges and pressure on public finances.**

Full professionalisation is equally infeasible in relation to its budgetary impact (€2 billion), which is incompatible with goals to control public spending and debt.

**Day-to-day and emergency assistance would not be ensured in the same conditions** of proximity, cost-effectiveness, regional equity and temporary surge capacity as today, to the detriment of the population and the resilience of French society.

## C What would be the challenges of such a re-classification?

This is not simply a legal debate; the stakes are political and reflect our choices and values as a society.

As it stands, a volunteer firefighter signs up by choice, to serve others and the community. Like a local official, the volunteer firefighter is committed to his or her region and its development. He or she volunteers to protect fellow citizens, businesses and landscapes in his or her region from fires, floods and day-to-day risks.

**They do not do so as a debt to an employer in exchange for a salary.**

Similarly, other forms of volunteer activity (for social, health, charity and youth organisations, for example) would suffer from these changes and the very concept of civic engagement would be destroyed.

Unprecedented social crisis and regional divide in France, and concerns across Europe for the future and the security challenges we face (terrorism, global warming, migration, etc.) **make it more important than ever to rely on citizens to mobilise alongside**

<sup>2</sup>CJEU, 21 February 2018, C-518/15 Ville de Nivelles versus Rudy Matzak.

<sup>3</sup>Such is the case, for example, of health and safety regulation, which applies equally to professional and volunteer firefighters.

<sup>4</sup>Tribunal administratif de Strasbourg (2nd chamber), 2 November 2017, Syndicat autonome des SPP et des PATS du Bas-Rhin, No. 1700145, the ruling of A. Dulmet, declaring as illegal the Bas-Rhin SDIS's definition of the number of hours (2,850), excluding on-call hours, and the number of on-call weeks (50) that a volunteer firefighter may perform. Dispute submitted to the Tribunal administratif de Lyon by a volunteer firefighter and national leader of the SUD SDIS labour union.

**professionals to protect populations.** Firefighters in France hereby call for a **joint effort to defend the values of dedication, humanism, service, solidarity and brotherhood.**

Youth volunteering is encouraged by 'civic service' requirements and the future 'universal national service' requirements in France as a way to rebuild social ties and diversity. It would make no sense to endanger diversity in emergency response services, which rely on these principles of selflessness and generosity.

**Directive 2003/88/EC** was drafted in a very different context when the priority was to protect employees vulnerable to deregulation and **in no way targeted volunteering.** It has become urgent not to leave decision-making in the sole hands of the courts. This **political challenge** concerns firefighters and the general public in France, but also their **European counterparts: emergency response systems in several European countries similarly rely on citizen volunteering. Europe's legislative power, represented by European MPs in part, must take action to protect assistance services over time: without volunteering, assistance would disappear in several European countries!**

It should be noted that those Member States which decided to professionalise or contractualise their firefighting services with a marked negative impact on volunteering are now seeing their non-urban local response systems compromised. Severe cuts to operational capacity in crisis and disaster situations in these countries, due to a lack of sufficient resources, have also been observed.

#### **D A need for a special Directive...**

France's Interior Minister, Christophe Castaner, and the ministry's Secretary of State, Laurent Nuñez, confirmed before the National Assembly the **French government's commitment to ensuring that the country's emergency response system not be jeopardized** by the application of Directive 2003/88/EC to volunteer firefighting.

**The FNSPF believes that the best way** of protecting all forms of volunteering in civil protection and safety services is to **adopt a specific Directive over the course of the next European mandate**, as requested by the French Senate and National Assembly in motions dated on 26 September and 21 November 2018 and sent to President Juncker.

Focusing on **possible ways to derogate from the Directive on Working Time<sup>5</sup>** will only provide legal grounds for the **re-classification of volunteer firefighting as a form of work**, despite this being antithetical to the positions of successive French governments over the last 15 years, and **exactly the legal risk that must be neutralised.** Furthermore, any derogation would be partial rather than complete, and involve flexibility which would not exclude the most challenging obligations: daily rest and maximum working week requirements.

Nor is the alternative solution of **reviewing the Directive feasible; two previous attempts have shown this process is too slow and haphazard.**

**Therefore the option of a specific Directive seems better suited to swiftly securing the status of our generous and selfless volunteers and other operational reserve teams.** Recognised civil protection associations such as the French Red

Cross and French Civil Protection (FNPC) are also concerned about the re-classification of their volunteers.

#### **E ... that is backed by firefighters in Austria, Germany and the Netherlands...**

This analysis is shared by firefighters in other European countries with volunteer-based systems. At the initiative of the Fédération nationale des sapeurs-pompiers de France, a **joint motion was signed by counterpart federations in Austria, Germany and the Netherlands on 25 October 2018.** This motion is in the process of being signed by all the European firefighting federations which concur with our analysis and are worried.

(Vienna, 26 October 2018)

#### **Motion on securing public safety services**

We the undersigned Presidents of firefighting federations in Europe, declare the following: Firefighters are the cornerstone of public safety in the European Union: 3.5 million committed men and women ensure the safety of people and property every day. They carry out missions that are vital and essential to the framework, the structure and proper functioning of society.

In a context of climate change and new threats, fire and rescue services form an indispensable core at the national level to ensure a high level of public safety.

As such, it is also essential that health and safety regulations be adopted at the European level which recognise the specificities of emergency response activities and firefighting operations.

We therefore ask that work begin to draft a directive specific to public safety services.

This is all the more necessary in a context of increasing cross-border assistance at the European level.



Albert Kern,  
President of the Austrian  
Fire Fighters Federation



Hartmut Ziebs,  
President, Deutscher Feuerwehrverband



Grégory Allione,  
President of the Fédération  
française des sapeurs-pompiers,



Stephan Wevers,  
President of the Netherlands Fire Service

*An increasing number and acceleration of public safety crises such as floods, forest fires and terrorism makes it more important than ever to be able to rely on the civic engagement of volunteer firefighters to ensure rapid surge capacity in reserve forces everywhere in Europe.*

<sup>5</sup> Article 17 of the Directive allows for certain derogations, limited to "activities involving the need for continuity of service or production, particularly: iii) press, radio, television, cinematographic production, postal and telecommunications services, ambulance, fire and civil protection services".

## REINFORCING THE EUROPEAN CIVIL PROTECTION MECHANISM

France is the biggest contributor<sup>6</sup> to the European civil protection mechanism. It regularly provides equipment and teams, as was the case recently in Sweden, in the summer of 2018, when France sent public safety intervention units (national resources) and firefighting teams to provide assistance for ten days.

→ It would therefore be incomprehensible for France to contribute to European solidarity while European jurisprudence simultaneously jeopardises the very existence of human resources that are mobilised daily.

This system has revealed its limits in recent cases of fire and flooding and deserves reinforcement using European Union resources to ensure faster and more effective response services. Another goal is to no longer depend solely on the availability of national resources (which are sometimes limited when several countries are hit by a disaster at the same time) and the good will of States.

### A RescEU: a first step towards European capacity building to face natural disasters...

The **RescEU project**, on which the European Parliament and Council reached an agreement on 12 December 2018, **embodies this need to review the system. RescEU will allow the creation of a public safety reserve at the European level to supplement Member State resources.** This reserve will include water bombers, high-capacity hydraulic pumps, search teams and emergency medical teams to assist countries affected by flooding, fires, earthquakes or epidemics.

### B ... which must be followed by others

The Emergency Response Coordination Centre (ERCC) coordinates the current system but **resource pooling, based on spontaneous contributions from States, is still in its infancy.**

In addition to the reserve capacity created by RescEU, **there is room to pool resources and create common scenarios and harmonised action plans. One avenue to explore is the standardisation of teams and methodologies based on INSARAG standards.**

#### INSARAG (International Search and Rescue Advisory Group)

A network of over 80 countries and organisations, overseen by the UN, which establishes minimum methodological standards for rescue teams to ensure they are interoperable and complementary at post-disaster interventions around the world.

Eventually, **RescEU must serve to build a European service that is airborne and quickly deployable in any location,** based on Europe's 3.5 million volunteer firefighters providing very rapid surge capacity, over the long term, alongside professional, civil and military teams.

It is **important to ensure the successful roll-out of the RescEU project and its sustainability beyond the 2019-2020 term.**

→ This desired outcome will not be immediate, but development and reinforcement can only occur if volunteering is already recognised, preserved and protected from any threat of its re-classification as work. Emergency assistance depends on volunteers.

National and European solidarity in a disaster depends on volunteers.

Michel Barnier, in his May 2006 report "For a European civil protection force: Europe Aid" submitted to the President of the European Commission, states: "In the absence of overall organisation of the European response, with scenarios, protocols and identified resources, the cost of non-Europe is being felt in the effectiveness of the response and in economic terms."

### C An advantage for French expertise as well

**The expertise of French firefighters is recognised around the world,** particularly in the areas of forest fires, urban search and rescue and nuclear, radiological, bacteriological, chemical and explosive risk management.

For these firefighters, RescEU is an opportunity to showcase their savoir-faire and share their experience and insight regarding firefighting but also prevention strategies.

**The new public safety airbase (BASC) in Nîmes in southern France is expected to become a European centre of excellence,** bringing together operational teams and innovative companies and laboratories to work on designing, testing and developing innovative equipment and service solutions in the field of safety. This centre could provide support to RescEU for its development and serve as a base for related equipment and teams.

*The success of this ambitious initiative would be completely compromised if States could no longer rely on volunteer firefighting teams.*

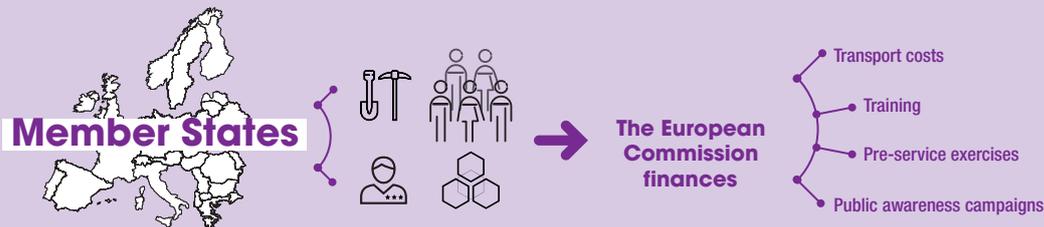
<sup>6</sup> Source: Opinion presented on behalf of a commission on constitutional law for the draft finance bill (public safety budget) [Commission des lois constitutionnelles sur le projet de loi de finances (crédits sécurité civile)], adopted by the National Assembly for 2019, by Ms Catherine Troendle, Senator.



## THE EU CIVIL PROTECTION MECHANISM

The ECPM, created in 2001 to coordinate aid and assistance among its 34 participating countries<sup>8</sup> in the event of disaster, is piloted by the European Commission (via the DG for ECHO). It is mobilised at the request of a State (European or otherwise) and the Emergency Response Coordination Centre organises the pooling of resources (equipment, experts, on-the-ground teams and intervention modules) offered by Member States which are able to respond.

Member States provide a voluntary pool, and the Commission finances general operations, a portion of transport costs, training, pre-service exercises and public awareness campaigns.

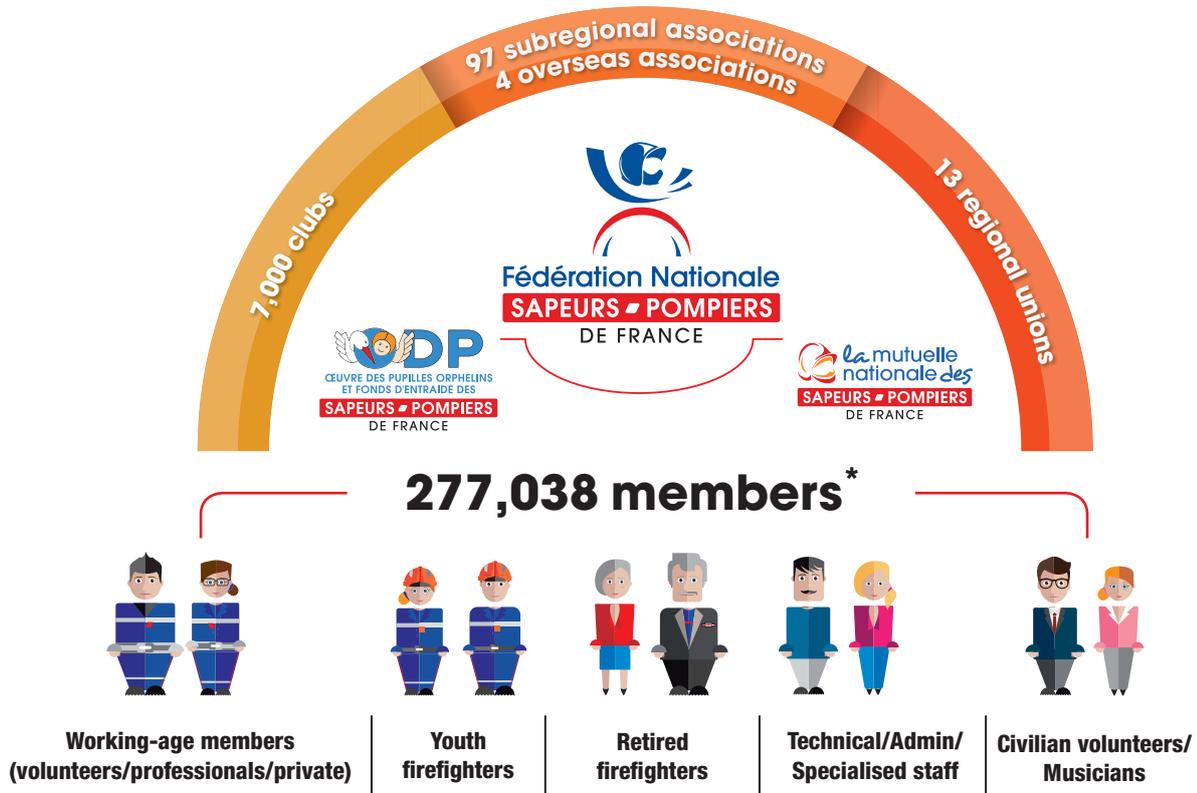


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# THE FNSPF NETWORK

The Fédération nationale des sapeurs-pompiers de France heads a network of firefighting associations, united irrespective of grade, status or category.



The network's extensive range of missions coordinates a host of activities together with the Œuvre des pupilles et la Mutuelle nationale, the regional and department-level unions, clubs and thousands of volunteers who contribute daily.



- 1 Defend rights and interests
- 2 Promote expertise
- 3 Represent the public interest



- 1 Form a supportive network
- 2 Promote techniques
- 3 Grow together



- 1 Promote civic engagement
- 2 Provide information and safety training
- 3 Share interests and values

**On Twitter: @PompiersFR**  
Follow day-to-day FNSPF news and events.