



Paris, 20 June 2024

## POLITICAL OPINION

### **Political Opinion on Recognising the Specific Nature of the Commitment of Volunteer Firefighters and Strengthening the European Civil Protection System**

The European Affairs Committee of the French Senate,

Having regard to the Treaty on the Functioning of the European Union, in particular Articles 196 and 222;

Having regard to 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;

Having regard to Decision N° 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on the Union civil protection mechanism;

Having regard to the judgment of the Court of Justice of the European Union of 21 February 2018, (Case C-518/15) *Ville de Nivelles v Rudy Matzak*;

Having regard to French Senate Resolution N° 140 (2017-2018) of 13 July 2018 on the European Union Civil Protection Mechanism;

Having regard to the political opinion of the European Affairs Committee of the French Senate of 15 November 2018 on European rules and the status of volunteer firefighters;

Having regard to Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision N° 1313/2013/EU on the Union Civil Protection Mechanism;

Having regard to Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027;

Having regard to Regulation (EU) 2021/836 of the European Parliament and of the Council of 20 May 2021 amending Decision N° 1313/2013/EU on the Union Civil Protection Mechanism;

Having regard to Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the European Union programme for education, training, youth and sport, and repealing Regulation (EU) 1288/2013;

Having regard to Council conclusions 2022/C 322/02 of 26 August 2022 on civil protection action in response to climate change;

Having regard to the report on adapting civil protection to the challenges of climate change by 2050, from the *Direction Générale de la sécurité civile et de la gestion des crises* (DGSCGC) of the French Ministry of the Interior, dated March 2023;

Having regard to the joint report by the French *Inspection générale de l'administration* (IGA) and the *Inspection générale de la sécurité civile* (IGSC) on the activities of volunteer firefighters in December 2023;

Having regard to the final declaration of the European “*sapeurs-pompiers 112*” summit, held in Paris on 8 and 9 April 2024, co-signed by representatives of the fire brigades of 18 Member States, and calling for a specific European framework recognising the contribution of volunteer work in fire and rescue services and, more broadly, in organisations responsible for civil protection;

Considering the increase in the risk of natural, technological and health disasters in the Member States of the European Union, particularly as a result of global warming;

Considering the primary responsibility of the Member States of the European Union in protecting their populations, the environment and property, in accordance with their own specificities and needs;

Considering Article 196 of the TFEU, which encourages cooperation between Member States in the event of disasters, and Article 222 of the same Treaty, under which the European Union and its Member States act in a spirit of solidarity if a Member State is the victim of a disaster;

Considering the increased reactivity and effectiveness that a civil protection response coordinated at the European level can bring in the event of a large-scale cross-border disaster or a multi-sector crisis with serious repercussions for human health, human activities and biodiversity;

Considering that the development of the EU Civil Protection Mechanism and the strengthening of the European network of EU civil protection actors, in particular by pooling knowledge and sharing best practices, are essential not only to provide this coordinated response but also to improve the disaster prevention and response policies of each Member State;

Considering that the organisation of emergency services in France is based primarily on the activities of the departmental and territorial fire and rescue services (SDTIS), 21% of whose staff are professional firefighters, who are local civil servants, and 79% of whose staff are volunteer firefighters, who are citizens committed to serving the general interest;

Considering that, in its judgment of 21 February 2018 in the case of *Ville de Nivelles v Rudy Matzak* (C- 518/15), the Court of Justice of the European Union considered a Belgian volunteer firefighter on call at home as a “worker” within the meaning of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003, cited above, which could have the effect of counting the time spent by volunteer firefighters in the calculation of authorised working time and subjecting volunteer firefighters to the principle of daily safety rest. This would severely restrict the freedom to work as a volunteer firefighter, jeopardise the proximity of emergency services and seriously affect national resilience to crises and, consequently, the civil protection of populations and national security, without an operationally satisfactory and financially sustainable alternative;

Considering the need to ensure the continuity of volunteer firefighting and to put an end, with a European solution, to the threat resulting from disputes pending before national courts;

*On Preserving the Volunteer Fire Service to Deal with Natural and Man-Made Disasters*

Solemnly reiterates that civil protection is everyone's business, and therefore salutes the commitment of volunteer firefighters, members of approved civil defence associations and civil defence reservists;

Also points out that, under the terms of article L. 723-5 of the French Internal Security Code, the activity of volunteer firefighter is based on volunteer work and is not carried out in a professional capacity and that, under the terms of article L. 723-8 of the same code, “*neither the French Labour Code nor the civil service regulations apply to it*”;

Notes that assimilating volunteer firefighters to workers within the meaning of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 risks undermining and calling into question not only the French civil protection model but also that of other Member States such as Germany, Austria, the Netherlands, Finland and Poland;

Considers it necessary to propose, as soon as possible, a specific European directive on volunteer civic engagement, with a view to protecting and encouraging it and avoiding its reclassification under labour law, in order to safeguard European civil protection systems and promote European solidarity in the face of climate change;

Draws attention in this respect to the conclusions of the Council of the European Union of March 2022, which call on the Member States to “*further promote the engagement of civil society in the prevention of and operational response to climate change by supporting citizens’ contributions to their own safety and resilience and by promoting any volunteer-based disaster response initiatives, in coordination with the national or subnational authorities, including through European awards*”;

*On Strengthening the European Union Civil Protection Mechanism*

Welcomes the achievements of the European Union Civil Protection Mechanism, which embodies European solidarity in the field of civil protection and humanitarian aid, and its improvement under Regulation (EU) 2021/836 of the European Parliament and of the Council of 20 May 2021;

Recalls, however, that because of their primary responsibility for protecting populations, the Member States must provide sufficient personnel and equipment to ensure this protection in the face of identified natural or man-made risks;

Calls on the European Commission and the Member States to adjust the funding needed to ensure the availability and proper functioning of this mechanism;

Requests that the European Commission produce a report examining the current arrangements for using the Facility in the outermost regions and assessing the possibilities for including these regions unconditionally within its remit, given their high exposure to natural disasters (cyclones, tropical storms, earthquakes, volcanic eruptions, etc.) as a result of climate change;

Calls for the further development of the European Union Civil Protection Mechanism in order to deal with the consequences of climate change, in accordance with the aforementioned conclusions of the Council of the European Union of March 2022, in particular in its logistical coordination role;

Considers at the same time that the Mechanism's Emergency Response Coordination Centre (ERCC) must not be transformed into a centre for the management of all crises (hybrid threats, instrumentalisation of migration, etc.) with a view to “total defence”, at the risk of overshadowing its priority tasks of civil protection, replacing the competence of the Member States and rendering obsolete the role of the Council's *Integrated Policy Response Capability* (IPCR), which already enables effective European coordination in the event of major crises;

Encourages greater European harmonisation of training for civil protection personnel and their operational doctrine;

Proposes therefore, in order to consolidate current exchanges between civil protection actors in the Member States, the creation of a European programme, modelled on the Erasmus+ programme, in order to create common reflexes and facilitate operational cooperation between the civil protection forces of the Member States of the European Union;

Considers that European cooperation in support of research and innovation in the field of civil protection (artificial intelligence, drones, etc.) could be based at a European centre of excellence such as the Nîmes-Garons base;

Hopes that the European Commission will continue to implement and develop the *RescEU* mechanism, a European civil protection reserve comprising a fleet of water-bombing aircraft and helicopters, medical evacuation aircraft, stocks of medical supplies and field hospitals, which can be mobilised to deal with a natural, technological or health disaster in response to a request from a Member State, and that this mechanism will be used to put in place and test shared crisis scenarios and develop unified intervention protocols;

Welcomes the doubling of the European civil protection fleet for the “forest fires” campaign in the summer of 2023, which is a concrete example of the solidarity of the Member States;

Calls on the Member States, France in particular, to respect the modernisation trajectory, to increase the versatility of their air fleets and to work together to build up the European civil protection air reserve before the end of the next term of office;

Emphasises, in addition, the need to consider the strategic geographical positioning of European civil protection resources;

At the same time, calls on the European Union to support the efforts of the Member States by providing appropriate European funding and by issuing grouped calls for tender with the Member States for the renewal of their national fleets of water bomber aircraft;

Requests a European capability review to define a sufficient production volume of water bomber aircraft in the Member States and to promote the emergence of a European water bomber aircraft, which is a major challenge in terms of industrial and operational sovereignty and economic competitiveness.