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25 July 2011

please ask for  
CFO Des Prichard

our ref  
DGP/KMV/

your ref

Dear Commissioner Andor

### **Meeting with Representatives from European Fire & Rescue Services**

Thank you for agreeing to meet with representatives from the European Fire & Rescue Services on 24<sup>th</sup> June 2011. We found the meeting extremely helpful in allowing us to present our concerns with regard to recent proposals following the second phase consultation with Social Partners. Fire & Rescue Services across Europe have met on a number of occasions and we have reached collective agreement on a number of key issues, which we described to you during our meeting on 24<sup>th</sup> June.

We are all fully in agreement that the Health and Safety of our firefighters is extremely important. As leaders of Fire & Rescue Services we fully recognise our responsibility to ensure our firefighters do not suffer ill-health or injury as a result of their working conditions. Our national laws implement already the Health and Safety rules for all our firefighters. Across Europe, Fire & Rescue Services provide a crucial role in ensuring the safety of the public from a range of emergencies and disasters and we would want to ensure that proposals in the Working Time Directive or the implementation of those proposals does not affect or restrict the way in which we provide our Services.

Having considered the draft proposals, concerns were raised right across Europe that there would potentially be a very severe impact on the ability of Fire & Rescue Services to undertake their emergency response role, and we were grateful that you listened carefully to our concerns and provided a number of reassurances during our meeting as follows:

- You confirmed that there is already an 'exemption' in place for Fire & Rescue Services during major emergencies and that the Working Time Directive would not apply in such circumstances.
- You acknowledged that clarification was urgently needed on the term 'volunteer fire-fighter' and 'part-time fire-fighter'.

- You recognised across Europe that ‘volunteer firefighters’ provide an absolutely vital and essential role in maintaining the capability of many Fire & Rescue Services to undertake their role and that if the Working Time Directive was to apply to ‘volunteer firefighters’ then many Fire & Rescue Services across Europe would cease to operate.
- With regard to ‘part-time’ firefighters, many of these people have other full-time jobs with another employer. If the Working Time Directive was to strictly and fully apply to these firefighters, they are very likely to exceed 48 hours per week if they were to aggregate the hours they worked with their primary employer with the hours they worked in their firefighting role. If this were the case, then in many Members States, the Fire & Rescue Services would almost certainly not be able to provide an emergency response to very large areas of the country.
- We discussed ‘on-call’ time and explained how European Fire & Rescue Services operate with Officers and some fire stations working a duty system that requires them to be ‘on-call’ at or near to their main place of work. It is our collective view that ‘on-call’ hours should be viewed as whether the ‘on-call’ hours are ‘active’ or ‘inactive’.
- We believe that ‘inactive’ time should not be considered as actual ‘working’ time within the Directive and we would be happy to discuss what options may be available to provide a clarification for ‘active’ and ‘inactive’ time to enable us to properly, and safely structure our Fire & Rescue Services across the EU. We were pleased that you understood and recognised our concerns and indicated this was a very similar problem to that experienced in the medical and health sector and that you were working to find a more satisfactory approach to ‘on-call’ time.
- You also recognised that the Commission is seeking to encourage the general public right across the EU, to undertake volunteer activity and that 2011 is the ‘year of the volunteer’. It would be somewhat perverse given the reliance that many Member States place on volunteer firefighters to provide an effective and resilient Fire & Rescue Service, that proposals brought forward under the Working Time Directive prevented or restricted EU citizens from becoming volunteer firefighters.
- One further point raised in our discussions, and which we would be grateful for your further consideration, is with regard to volunteer firefighters who occupy a position which is different from full-time or part-time firefighters. Fire and Rescue Services across Europe fully acknowledge and accept our responsibilities to all our employees who we pay to be full or part-time firefighters and those employees who are volunteer firefighters. We do believe there is a reasonable case to be made to exempt entirely volunteer firefighters from the provisions of the Working Time Directive. We do also recognise your advice that a “derogation” rather than an “exemption” may be more appropriate.

During our discussions we explained that the European Fire & Rescue Services would wish to see an exemption from the Working Time Directive in its entirety. We believe that because of the specific nature of the work of Fire & Rescue Services, the emergency nature of their role, that these services must be provided across all their communities and that they are part of the National resilience infrastructure of their countries, then an exemption should apply.

We were grateful that you gave us the opportunity to explain our position on an exemption and that you fully understood our reason and rationale for arguing this position. You did state that whilst you were sympathetic to our argument, that on balance there was a risk with seeking an exemption or an exclusion from the Working Time Directive and that you were more inclined to seek derogations from the Directive rather than an exemption or exclusion.

If you require any further information or clarification on any points raised in this letter, then we would be most pleased to send further information or meet again to assist you in your deliberations.

Yours sincerely

**Des Prichard, Board member CFOA (UK)**

For and on behalf of:

Richard Vignon, President FNSPF (France)

Klaus Maurer, CFO Hamburg (Germany)

P Kwaitkowski, Deputy Commandant State Fire Service (Poland)

Finian Joyce, Secretary, FEU

Chris Addiers, CFO Antwerp

Dennis Davis, Vice President, CTIF

Katia Laffargue, FNSPF

Joanna Poznalska, Polish EU permanent representative

Malgorzata Trzcinska, Polish EU permanent representative