



Mrs Ursula von der Leyen
President of the European Commission
Berlaymont, rue de la Loi, 200
1049 Bruxelles

Brussels, 04 November 2021

Dear Mrs President,

As Members of the EPP Group in the European Parliament, we would like to draw your attention to the Directive 2003/88/EC and its impact on volunteering activities in Europe. This directive sets minimum safety and health rules for working time.

Many institutions that deliver essential services for security, first aid interventions or emergency crisis management, in several Member States, are deeply concerned by this Directive.

Some of them, such as firefighters services, widely rely on volunteering from citizens, whose commitment is necessary to the efficiency of the whole civil security scheme in many European countries. The Matzak case of the Court of Justice of the European Union (CJEU) in 2018 assimilates volunteer firefighters to normal workers. Taking into account the obligations created by the Directive 2003/88/EC in terms of mandatory maximum number of working hours and minimum periods of rest, this would clearly make it impossible to combine a normal professional activity with a volunteer commitment. Knowing that nearly seven volunteer firefighters out of ten occupy another job in parallel of their commitment, this would lead to a concrete shutdown of first aid services in many countries.

The armed forces are also directly affected. Indeed, the Ministrstvo za obrambo case in July 2021 finds that *“activities connected to administrative, maintenance, repair and health services, as well as services relating to public order and prosecution, do not, as such, have particularities which make it impossible to plan working time in a manner compliant with the requirements laid down in Directive 2003/88.”* This goes against the notion of serving “anytime and anywhere”, which is a pillar of military commitment in several European armies. To be clear, a soldier must be subject to the provisions of the directive, like any other employee, except when he is in operation or in training. This means for instance that an urgent mobilization to face any crisis, such as a terrorist attack or a natural disaster, would be hugely limited. This also adds bureaucracy and administrative burden that decrease flexibility and efficiency of armed forces.

By refusing to create an exception, the European regulation and jurisprudence are now creating legal uncertainty for a service absolutely vital to millions of citizens. Above all, this goes against the security of Member States and the European strategic autonomy, in a period in which it is needed more than ever.

Not only such extensive application of the Directive would weaken national emergency models; it would also undermine the freedom of citizens by preventing them from volunteering, when we should strengthen our societies through this type of commitment, and while, at the same time, emergencies related to climate, sanitary or terrorists crises multiply on the European continent.

For several years, the European Commission has refused to recast Directive 2003/88/EC, or to work on a new legislation on volunteers in civil security services. Given the growing emergency regarding volunteers' status, we want to insist energetically on the absolute need to modify European regulations on this point, so as to formally exclude volunteer firefighters and soldiers, but also all essential activities for the security of the European continent, from the scope of Directive 2003/88/EC.

We are confident that a solution can be found to solve and enhance the situation of volunteering in Europe and we are ready to work with the European Commission for this purpose.

With our best regards,

François-Xavier BELLAMY (France)

Esther DE LANGE (Netherlands)

Anne SANDER (France)

Co-signatories :

Pascal ARIMONT (Belgium)

Franc BOGOVIČ (Slovenia)

Nathalie COLIN-OESTERLE (France)

Arnaud DANJEAN (France)

Salvatore DE MEO (Italy)

Geoffroy DIDIER (France)

Christian DOLESCHAL (Germany)

Herbert DORFMANN (Italy)

Jaroslav DUDA (Poland)

Agnès EVREN (France)

Jens GIESEKE (Germany)

Christophe HANSEN (Luxembourg)

Brice HORTEFEUX (France)

Danuta HUEBNER (Poland)

Radan KANEV (Bulgaria)

Miriam LEXMANN (Slovakia)

Benoit LUTGEN (Belgium)

Lukas MANDL (Austria)

Liudas MAZYLIS (Lithuania)

Nadine MORANO (France)

Angelika NIEBLER (Germany)

Emil RADEV (Bulgaria)

Dennis RADTKE (Germany)

Sara SKYTTEDAL (Sweden)

Tomas TOBÉ (Sweden)

Romana TOMC (Slovenia)

Sabine VERHEYEN (Germany)

Alexander YORDANOV (Bulgaria)

Željana ZOVKO (Croatia)