



21.5.2019

NOTICE TO MEMBERS

Subject: Petition No 1071/2016 by André Goretti (French), on behalf of the Fédération Autonome des Sapeurs-Pompiers professionnels et des personnels administratifs, techniques et spécialisés, on the working time of professional firefighters

1. Summary of petition

The petitioner refers to his previous petition on the same subject, closed in March 2015 after receipt of the Commission's position, which was that the amendment by decree of the disputed French legislation had remedied the situation of that Member State regarding the EU legislation on the organisation of working time. However, the petitioner argues that in the meantime the Judgment of the Court of Justice in case C-180/14, *European Commission v Hellenic Republic*, has contradicted the Commission's position. Therefore, the position should be revised and new proceedings brought against France for non-compliance with Directive 2003/88/EC.

2. Admissibility

Declared admissible on 11 January 2017. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 August 2017

An earlier petition from the same person and on the same topic (762/2011) was included in an infringement against France (registered under reference NIF 2006/4581) concerning the working time of professional firefighters. Following the infringement procedure, the French authorities amended the applicable legislation (Décret n°2013-1186 du 18 décembre 2013 which modified the Décret 2001-1382). The modified legislation was considered compliant with EU law. Consequently, the Commission closed the infringement procedure on 20 February 2014.

However, the petitioner now argues that, in the meantime, the Judgment of the Court of Justice of the European Union in case C-180/14 (European Commission v Hellenic Republic), contradicted the Commission's position. Therefore, the position should be revised and new proceedings brought against France for non-compliance with Directive 2003/88/EC.

The Commission services assessed the impact that the judgment Commission v. Hellenic Republic C-180/14 could have on the compliance of the legislation at stake. They concluded that no new points emerge that could justify reopening an infringement already closed on grounds of a modification of the legal framework at stake.

4. Commission reply (REV), received on 21 May 2019

In reaction to the Commission's first observations on the petition, which were transmitted to Parliament in August 2017, the petitioner provided complementary information and explanations. In particular, he stated that professional firefighters in France are subject to 24-hour periods of on-call duty which were in breach of the right to daily rest, compensatory rest, rest linked to night work and weekly rest guaranteed by the Working Time Directive¹.

Conclusion

The Commission is currently examining the information transmitted by the petitioner and is analysing the legislation and regulations applicable to professional firefighters who perform on-call duty during 24-hour shifts in France. Once it has completed its analysis the Commission will inform Parliament of its findings and conclusions.

¹ 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, OJ L 299, 18.11.2003, p. 9–19.