

**Priority question for written answer P-002222/2023
to the Commission**

Rule 138

Monika Beňová (S&D)

Subject: Protection of fire fighters' rights in Slovakia

The application of 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 (hereinafter 'the Directive') was confirmed by the Court of Justice of the EU in the case C 429/09 G. Fuß, when it stated that the time spent by fire fighters being on stand-by combined with their working time must not exceed 48 hours per week.

Section 86(2) of Act No 315/2001 on fire and rescue services (hereinafter 'the Act') allows the scheduling of service time in the scope of 17 hours service time and 7 hours being on stand-by at the place of service, which is not included in service time and thus results in infringement of Article 6(b) of the Directive. Union law thus prevents national law from exceeding the weekly maximum laid down by Article 6(b) of that Directive.

Paragraph 6 of Annex 4 to the Act states that the Directive is transposed into its wording. However, it does not follow from the Act that time being on stand-by is part of the working time of fire fighters. This the basis of the conflict with Union law.

1. In the event of discovery of infringement of fire fighters' rights, is the Commission planning to send Slovakia a formal demand with a request for further information?
2. If the Commission concludes that Slovakia is not complying with its obligations under EU law, does the Commission intend to address a formal request for Slovakia to comply with EU law?

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