

Brussels, 30. 10. 2025  
Ares (2025) 4557774

Dear Mr Banse,

*I would like to thank you for your letter providing information on the founding of the Association of Fire Brigades of the European Union and expressing your concerns about the application of Directive 2003/88/EC on the organisation of working time to volunteer firefighters in the EU.*

*Let me start by warmly welcoming and congratulating you on the creation of this new Association. Firefighters, whether volunteers or professionals, play an essential role in ensuring the safety and security of our communities, under difficult conditions and often at great personal risk. In a context marked by a wide and unfortunately growing range of threats and challenges, members of the staff of all our emergency services deserve and can rely on our steadfast support.*

*In your letter, you also refer to certain difficulties encountered in, or as a consequence of, the application of the Working Time Directive to volunteer firefighters and, thus, request their exclusion from the scope of the directive.*

*While I am fully aware of and sensitive to the concerns you express, I must underline that the Working Time Directive is a health and safety instrument that protects all workers in the EU from excessive working hours and inadequate rest. Workers providing emergency services should not be deprived of this protection; rather the opposite.*

...

Mr Karl-Heinz Banse  
President  
Association of Fire Brigades of the European Union

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*It should be noted, however, that the Working Time Directive is only applicable to individuals who qualify as “workers” under EU law. According to a long line of case-law developed by the Court of Justice of the EU and confirmed in its Matzak judgment (C-518/15) of 2018, the status of “worker” under EU law depends on whether, for a certain period of time, the person pursues real and genuine activities, is subordinated to another person, and is remunerated in return. In light of this jurisprudence, volunteer firefighters in the EU do not automatically qualify as “workers”; each specific case needs to be assessed by national courts against the criteria for qualification as “worker” for the purposes of EU law, regardless of the legal nature of the relationship under national law.*

*Moreover, even when the Working Time Directive applies, it offers substantial flexibility for firefighting services. For instance, derogations from daily and weekly rest, breaks, length of night work or reference periods are possible if compensatory rest is provided. Member States may also allow individual workers to “opt-out” of the 48-hour average maximum weekly working time under certain conditions. In exceptional circumstances of significant gravity, such as natural or technological disasters, attacks or major accidents, the directive may be temporarily disapplied.*

*As regards your request for a targeted sectoral exclusion of volunteer firefighters from the scope of the directive, the notion of “worker” is independent of the status of an individual, or any other qualification (e.g. volunteer), under national law. As mentioned above, it is an autonomous notion developed in the case-law of the Court of Justice of the EU, based on a functional assessment of the activities of the individual in question. Therefore, it is not possible for an EU law instrument to exclude from its scope whoever is considered a volunteer by the national law of a Member State.*

*Should the flexibility elements mentioned above be considered inadequate and/or insufficient to cater for the needs of specific sectors of activity, the Commission is always ready to listen to the concerns of stakeholders, including your organisation. The services of the Directorate-General for Employment, Social Affairs and Inclusion remain at your disposal to that effect.*

*Yours sincerely,*



*Ursula von der Leyen*