



The voice of the European Outdoors

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To whom it may concern

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Active Leisure in Europe

Situation of the Ski Instructors in France

The European Union wishes to create a « carte professionnelle » for the ski instructors.

In France, employees and self-employed instructors are represented by the **Syndicat International des Moniteurs de Ski (SIMS)** and the **Syndicat National des Moniteurs du Ski Français (SNMSF)**.

As for the employers, commercial companies employing ski instructors are represented by the **Syndicat National des Entreprises exploitant les activités physiques récréatives des Loisirs Marchands (SNELM)**. The SNELM is favourable to the implementation of a professional ID card giving evidence of skills of a professional of the active leisure activities.

The **SNMSF** defends the idea that the French ski instructors should be holders of a State diploma giving evidence of their **“technical-sportive” skills of specialist** of Alpine skiing, to work **at the same time in the sports world of training and competition AND in the leisure and tourism activities**.

As such, he defends the idea that **every European ski instructors should pass a "Eurotest"**, in order to demonstrate their "super-technicality" before obtaining their professional ID card. The SNMSF justifies this requirement in the pretext of the safety of customers and tourists.

As far as SNELM is concerned, ski instructors should effectively have “technical-sportive” skills to work **in the sport sector** but in order to work in the **leisure and tourism activities**, they should benefit from **other skills on top** of the purely technical skills, such as skills in environmental material, safety, human relationship, “savoir-être”, equipment. The position of the SNELM is confirmed by the current works at the European level involving more than 10 countries in the

implementation of a 28th regime (European EQFOA, CLO2 and ELESA projects) for outdoor activities.

As such, the SNELM cannot seriously **reduce the skills required** by the ski instructors of the leisure and tourism activities to **purely technical skills**.

The position of the SNMSF consisting in promoting a simple “super-technicality” of the ski instructors is besides **particularly indefensible**, even if the pretext of customers safety, because in fact, **France allows the majority of people who effectively teach alpine skiing, to work without possessing any State Diploma or any “Eurotest”:**

1° French legislation (1):

Article L.212-1 of the Code of sport (**Attachment N°1**) specifies “*Only **can be paid** to teach, lead or supervise a physical or sportive activity or train people, the holders of a State diploma, a title with professional purpose or a certificate of qualification*”

Consequently, in France, **all volunteers have the right to teach Alpine skiing without possessing any training, neither any diploma nor any particular skill.**

If the great technical skills defended by the SNMSF were to **guarantee customers safety, EVERY French** who teaches Alpine skiing - including thus the volunteers - should possess the diploma of State.

2° French legislation (2) :

Article L.212-3 of the same Code (**Attachment N°1**) specifies that: “*provisions of the articles L. 212-1 (...) **are not applicable** to the servicemen, to the state employees (...) nor to the teachers of the public and (...) private (...) educational establishments in the exercise of their missions.*”

Consequently, soldiers, state employees of City Halls, Departments, ... **teachers** of schools and university **professors, do not either need** to hold the State Diploma of ski to teach Alpine skiing, **even when receiving a remuneration!** Naturally none of these employees has ever passed the “Eurotest”!

In France, neither the volunteers - unpaid - nor the state employees of the State - paid - thus need to possess the technical skills demanded by the SNMSF to the European nationals.

3° Training of French ski instructors:

To become a ski instructor in France, it is necessary to follow a training course organized by the Ministry of sports (National School of Ski and Alpinism – ENSA in Chamonix) organized in the following way (**Attachment N°2**):

A technical test + 2 weeks of training + a minimum training course of **20 paid working days** in a ski school + the "Eurotest" + 480 hours (approximately 3 months) of lessons.

Consequently, **ALL young people** who undergo the minimum training course of **20 days in a working situation, are paid** while they **do not possess the State Diploma** and **have not passed the “Eurotest”**.

Paradoxically, they are even **obliged to work against payment before** passing the “Eurotest” which therefore can on no account be considered as the way to verify if an instructor is capable or not of working safely ...

4° The holders of the Animator State Diploma (BAFA - Brevet d’Aptitude aux Fonctions d’Animateur) :

The order of June 20th, 2003 (**Attachment N° 3**) stipulates that “*in occasional case within the framework of the educational activities of the holiday centre or in leisure centres, supervision can be assured by the holders of the certificate of capacity to the functions of animator (BAFA)*”

The training to the BAFA Diploma “Alpine skiing” lasts **6 days**; it is proposed by numerous training centres (**Attachment N° 3a, 3b, 3c**).

Naturally nothing prevents the holders of the BAFA to be paid **while they do not have either the State Diploma nor the “Eurotest”**. How can the French legislator allow this if the ownership of the “Eurotest” should “*guarantee the safety*”? It would obviously consist in endangering other people’s lives ...

5° French Cross-country ski instructors :

Since November 29th, 2010 and according to a circular of the Ministry of Sports (**Attachment N°4**): “*the holders of the first degree State diploma, “Nordic skiing” option, (...) can teach Alpine skiing*”.

However, cross-country ski instructors who are remunerated, as the holders of the BAFA, as the paid soldiers (servicemen) or the volunteers ... **do not possess either the Alpine Skiing State Diploma nor the “Eurotest”!**

Maybe even these cross-country ski instructors **have never skied on ski slopes!** They have nevertheless well and truly the right to teach Alpine skiing against payment.

6° English snowboard instructors :

In March, 2006, the SNMSF and BASI signed in Satolas, an agreement (**Attachment N°5**) by which, more than 30 British snowboard instructors obtained a “ski” equivalence **without passing the “Eurotest” or even know how to ski**, by the attribution of **false alpine ski instructors diplomas** by BASI (**Attachment N°5a**).

Similarly to the French cross-country ski instructors, France also recognized skills in Alpine skiing to **British snowboard instructors** who have doubtlessly never practised alpine skiing, and neither possess the State Diploma nor have passed the “Eurotest”!

7° Safety on ski slopes and outside ski slopes :

Finally, ski instructors have in France **no particular responsibility in safety on or outside ski runs**, except for their own civil liability, linked to the accidents that could arise by their own act, as every French citizen.

On the contrary, the General Code of Local Communities (CGCT) (**Attachment N°6**) which **on the French Republic’s ground establishes the responsibilities in terms of prevention and assistance**, appoints as the only person responsible in safety on and outside marked ski runs, **the Mayor of the concerned Municipality :**

*“Article L.2211-1: **the mayor** contributes by his **power of police** to the exercise of the **missions of public law and order**.*

*Article L2212-1: **the mayor is in charge of**, under the administrative control of the representative of the State in the department, **the local police**, the rural police and the execution of the acts of the State that are relative to it.*

*Article **L2212-2**: **the local police** must insure the good order, **the safety**, **the security** and public health. It includes in particular: (...) 5 ° The care of **preventing**, by **suitable precautions**, and of **stopping**, by the distribution of the necessary help, **the accidents**, the disastrous plagues as well as*

*the pollutions of all kinds, such as the fires, the floods, the breaks of dikes, the collapses of earth or rocks, **avalanches or the other natural accidents**, the epidemic or contagious diseases, epizootic diseases, **to provide immediately all the measures of assistance and help** and, if necessary, to provoke the intervention of the superior administration;*

*Article L2212-4: in case of **grave or imminent danger, such as the natural accidents planned in 5° of the article L212-2, the mayor prescribes the execution of measures of security** demanded by the circumstances. **He informs immediately the representative of the State in the Department and informs him about the measures which he prescribed.***

CONCLUSION

In conclusion, the SNMSF demands **the test of technical capacities of all the Europeans** before delivering them a professional ID card, **because the SNMSF knows that, contrary to the European nationals, its relations with the French Ministry of sports allows him to negotiate for its own account ALL THE POSSIBLE AND CONCEIVABLE DISPENSATIONS to work within the French labour market.**

Consequently, by imposing to the whole of Europe a technical test preliminary to obtaining a professional ID card, the SNMSF creates **a preliminary technical obligation** to the entry of European citizens on the French ground, when the SNMSF is **the only one in a position to break this technical obligation** as he thinks best, which has been the case long-time as it was shown above.

To justify its position, the SNMSF calls upon “*the safety*” when neither the SNMSF nor its members ski instructors have any particular responsibility in safety, in security, in prevention or in help on the ski slopes of the Municipalities on which they work and when no European instructor could substitute himself to the Mayors of mountain Municipalities.

The position of the SNMSF is thus perfectly unbearable and perfectly discriminatory against all other Europeans in particular in consideration of the dispensations the French dispose of, in front of the rules that they try to impose on the Europeans!

The above presentation is actually valid for Alpine skiing as for **all other outdoor activities**.