



Administrative investigation into the situation of the
two adapted package tour operators affected by
the fire that occurred on 9 August 2023 in a
Wintzenheim lodge



Final Report

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SUMMARY

The General Inspectorate of Social Affairs (IGAS) received a letter dated 14 August 2023 from the Minister of Solidarity and Families and the Delegated Minister in charge of Disabled Persons, to conduct an administrative investigation into the conditions for authorising and organising the stays of disabled persons who were victims of the fire in their lodges that occurred on 9 August 2023. This fire in two lodges located in the same building, in the locality known as La Forge in the municipality of Wintzenheim, caused the death of eleven people (ten holidaymakers and a professional companion).

In accordance with the letter of engagement, the report focuses on examining the organisation and operation of the two operators affected by the fire on 9 August: Association Idoine, whose headquarters are located in Besançon, and the simplified joint stock company (SAS) Oxygène, whose headquarters are in Lyon. The mission was to examine the administrative procedures and checks that these two adapted package tour operators (VAO) were subject to.

The mission did not examine the content and scope of the actions of the owner of the two lodges in the fire-damaged building, nor those of the mayor of Wintzenheim, which are outside the scope of its referral by the ministers, and are essentially the subject of a judicial investigation initiated by the judicial court of Paris.

Moreover, the investigations did not concern the action of the prefectures and the services in charge of civil protection, which were not within the scope of the letter of engagement.

The chain of actions of operators and social security organisations in charge of monitoring them reveals a succession of failures, which, combined, raise a systemic question as to whether the safety of holidaymakers with disabilities is effectively taken into account.

The supervision of adapted package holidays organised by law and instructions deals with the conditions for accompanying disabled persons during their stays, and only concerns fire safety issues marginally. The instruction of 10 July 2015 on the organisation of holidays for adult disabled persons, which specifies the methods of implementation of Decree No. 2015-267 of 10 March 2015, therefore only mentions fire safety issues on the equivalent of one page out of 104 in the text, in an appendix dedicated to the "good practices" expected of operators. These elements prove to be inaccurate and largely impracticable.

The approval of adapted package tour operators, granted for five years by the prefect of the region in which these bodies are based, focuses on the conditions of organisation and operation of the structures, without focusing on the execution of stays, which may vary from one year to the next. Consequently, fire safety issues were not studied during the approval of the two operators by the State services in Bourgogne-Franche-Comté and Auvergne-Rhône-Alpes.

Provisional approval was granted to SAS Oxygène by prefectural order of 7 July 2023, for the period from 8 July to 31 August 2023. This approval was issued in order to allow the stays to be effectively held despite the incompleteness of the file, and subject to the provision of the

missing documents. Although provisional approval is not provided for in the texts, it has had no impact on the issue of securing the premises, which is not taken into account in the approval procedure. In addition, SAS Oxygène had continued its activity without approval between 24 April and 8 July 2023, organising two stays that were subject to checks in the Ardennes and Pas-de-Calais, and which resulted in the preparation of an infringement report for the illegal exercise of an industrial and commercial activity by the Departmental Directorate for Employment, Labour, Solidarity and Protection of the Population (DDETSPP) of the Ardennes, as well as the referral to the Prosecutor of the Republic pursuant to Article 40 of the Code of Criminal Procedure for the same reason.

By decision of 28 August 2023, the State services in the Auvergne-Rhône-Alpes region decided not to renew the approval of SAS Oxygène from 1 September 2023, stating reasons independent of the circumstances of the fire. These reasons, which are related to the management of disabled holidaymakers and the transparency of the operator, has led to the State services giving consideration to the authorisations issued to the other companies of the VADEV group, *holding* companies of the SAS Oxygène, whose operation is highly integrated.

The building destroyed by the fire housed the *La petite Alsace* lodge on the ground floor and the *La petite Venise* lodge on the first floor, which itself consisted of communal rooms and a bedroom on the first floor and the other mezzanine rooms. There is no doubt that this building was subject to legislation on establishments servicing the public (ERP), applicable as soon as the number of accommodation places exceeds 15. This legislation involves an administrative authorisation system by municipal decree, adopted following the opinion of the Departmental Advisory Commission on Safety and Accessibility (CCDSA). However, according to the information communicated by the State services in the Haut-Rhin department, the commission never visited to check the situation of these lodges.

The two operators Idoine and Oxygène are responsible for the safety of holidaymakers in the accommodation they choose for the organisation of adapted package tour stays. However, neither of them considered themselves competent and directly responsible for verifying the status of the lodges with regard to fire safety. The only request from Association Idoine on the issue of the visit of the CCDSA, sent by e-mail on 4 May 2022, remained without a documented response from the owner of the lodge and without further action from the association.

The State services in the Haut-Rhin department, responsible for checking stays, did not identify the issue of the visit of the CCDSA, despite two checks by the Departmental Directorate for Employment, Labour, Solidarity and Population Protection (DDETSPP) on the adapted package tour stays carried out in the *La petite Venise* lodge, in August 2020 and *La petite Alsace* lodge in July 2023. The first of these inspections, which already concerned the SAS Oxygène operator, raised the question of the absence of a fire extinguisher and an autonomous smoke detector (DAAF) in the *La petite Venise* lodge. SAS Oxygène replied by email on 7 August 2020 stating that this equipment had been installed on the same day as the inspection. The documentation of the inspection carried out by the Haut-Rhin DDETSPP services on the premises of the *La petite Alsace* lodge, in July 2023 does not include any mention of fire safety issues.

During the investigations, the mission identified a third lodge, *Le petit Colmar*, located at the same address as the two lodges destroyed by the fire on 9 August 2023, but in a separate

building. The Haut-Rhin prefecture, questioned by the mission, indicated that this lodge was not on the ERP list, even though it received a group of 16 people during an adapted package tour stay organised by SAS Oxygène in July 2022. The mission recommends an urgent confirmation of this status and the preventive suspension of any public reception activity.

The actions of the two operators and of the State departments responsible for authorising and controlling them must be placed in their administrative context. Fire safety legislation is a technical field that does not fall within the field of expertise of customised package tour operators or the services of a DDETSPP. In addition, the scope of the checks to be carried out by social security organisations is itself ambiguous, and its framework by the 2015 instruction is limited and imprecise. Although the inspection grid applicable by the DDETSPP of the Haut-Rhin included verification of the application of legislation on ERPs, this grid does not have a mandatory scope. Finally, the resources devoted by the State services to these checks are very limited and declining.

The mission's investigations highlight the need to urgently review the procedures allowing adapted package tour operators and the public authorities to ensure the fire safety of premises hosting disabled holidaymakers.

First of all, it is important to secure all adapted package tour stays taking place within ERP, with the immediate production of certificates by the owners and managers of the lodges used by the adapted package tour operators, and the production of the corresponding supporting documents (municipal order authorising or continuing operation, or failing this, the CCDSA report). Operators must systematically visit the premises before they are used for an adapted package tour stay, and produce the reports of these visits when they declare their stay to the State services.

Secondly, it is essential to broaden the debate on fire safety to the situation of non-ERP lodges, likely to accommodate 15 people or less. These lodges are now subject to minimum regulations, limited to the presence of a smoke alarm. Due to the specific situation of disabled persons, whose evacuation may be more complex, the required fire safety requirements must be adapted in order to adapt the 2015 circular as quickly as possible, and in any case before the next season of adapted package tours in summer 2024.

Thirdly, the Directorate-General for Social Cohesion (DGCS) must rapidly adapt the tools enabling decentralised State services to share useful information on adapted package tour operators and stays, by means of a shared file, the implementation of which cannot wait until a complete information system is created. It should also develop a nation-wide inspection grid for adapted package tour stays, incorporating the precise verifications expected from the fire safety inspection departments.

Finally, the organisation and operation of adapted package tour holidays raise major questions of reconciling the right to holidays for people with disabilities, an essential element of an inclusive society, with security requirements. In this sense, the mission recommends a new IGAS mandate for the general evaluation of the arrangements for managing and organising adapted package tours.