



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

**SECTORAL DIALOGUE
COMMITTEE
CIVIL AVIATION**

Minutes of the plenary meeting

22 June 2018

Chair: Gérard Borel (employers)

1. Adoption of the agenda

The agenda was adopted after it was agreed to discuss the principles governing the admission of new members under point 3 of the agenda.

2. Adoption of the minutes of the last plenary meeting

Minutes of the plenary meeting on 22 June 2017 were adopted.

3. Principles governing the admission of new members

The Chair introduced the subject indicating that the SSDC has received two requests from two associations related to their access to the SSDC the "Airline Coordination Platform" to become member and A4D to become observer active member of the SSDC and in the first instance to attend as observer. He reminded that the decision to accept an association in the SSDC should be based on criteria and could not be arbitrary; equality of treatment should be ensured. Both associations were invited to present their application.

Sylvie Finné (DG EMPL) reminded the general criteria fixed by the Commission Decision 98/500 and that the composition and functioning of the sectoral social dialogue committees. General rules are to be understood (and adapted) to fit the purpose of the social dialogue in the specific sector allowing the SSDC's Members to assess the applications. She indicated the steps to be recognised in the SSDC (see slides attached).

The social partners asked clarification about statute of observer. It was reminded that this statute is not foreseen in the rules of procedure of the Committee. Explanations were provided regarding the conditions and the binding character of the social partners agreements.

4. Information by the Commission (DG MOVE)

Filip Cornelis (Director for Aviation, DG MOVE) presented the state of play regarding current initiatives in the aviation sector:

- Revision of Regulation 868/2004¹ designed to protect fair competition in a global market. The co-legislators are preparing for negotiations with the objective is to reach an agreement on the Commission's proposal by the end of 2018.
- Ex-post evaluation of Regulation 1008/2008² (air transport services) expected by the end of 2018 would provide elements for the drafting a new Commission proposal for 2020.
- Evaluation of Directive 96/67/EC³ on access to the groundhandling market at Community airports will be launched on the second half of 2018.

Filip Cornelis also indicated that the commitments regarding the social dimension of the aviation sector presented in its aviation strategy have been implemented. Regarding the support to social dialogue he stressed that he would like to see more discussions of topics of interests and more results, and that all relevant representatives should be welcome.

The trade unions (ETF and ECA) expressed concerns regarding the lack of concrete initiatives and reminded the commitments by Commissioners BULC and THYSSEN to address the social issues in aviation. Filip Cornelis specified that the Commission is studying the issues raised by the Unions. Most of these issues seems linked to the lack of enforcement of existing legislations at national level. He stressed that Commissioner BULC is very committed to deliver a Commission's product related to the social dimension in aviation. He referred to the Commission Better Regulation Agenda step by step approach for the preparation of any Commission's initiative. The concept of home base could potentially bring part of the solution to the problems described. Trade unions reacted by saying that that the problems need quicker responses (e.g. New Regulation 1008/2008 would only be applicable in 2025 at best). On social dialogue, they stressed that a lot is discussed but concrete measures are to be established at EU level. Also they reminded that involving new partners in the SSDC require that criteria are met and that those partners are involved in social dialogue at national/company level.

Other questions raised were about whether the proposal on Reg. 868 would address the issues of social dumping and unfair competition. Filip Cornelis replied that the social clauses to be respected are the ILO international social standards. Better enforcement of clear rules at the EU level, including regarding home base, applicable law and competent Court would be applicable to all operators within the EU. Clarification and better enforcement should also reduce other concerns in relation e.g.: to ownership and control and wet-leasing.

¹ Regulation (EC) No 868/2004 of the European Parliament and of the Council of 21 April 2004 concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community

² Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast)

³ Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports

An additional issue was raised by CANSO and ETF about the need to involve social partners in the "Wise Persons Group" on the future of Single Open Sky (SES). Filip Cornelis explained that this group is supposed to feed the Commission with long term vision. The social partners were invited to discuss future challenges in this field and to inform DG MOVE. He also indicated that a study is considered to be launched on the long term future of employment and working conditions in the ATM sector. CANSO added that a FABEC workshop on SES 2035 is planned end of October 2018.

Responding to questions by ASA and ETF regarding the timing for the revision of the Groundhandling Directive, Filip Cornelis clarified that a roadmap describing the evaluation approach will be published second half of 2018 for stakeholders' consultation.

The objective of the Women in Transport - EU Platform for change, launched on 27 November 2017 to strengthen women's employment and equal opportunities for women and men in the transport sector were explained and call for participation launched.

The Chair thanked the Commission for its participation.

5. Meeting with EASA representative and status of the implementation of the new EASA Regulation (update and next steps EASA-SSD)

Jean-Marc Cluzeau, Head of Strategy and Programmes Department of the European Aviation Safety Agency (EASA) provided a presentation regarding the EASA so-called "Basic Regulation" defining the mandate, working methods, governance of the Agency, as well as substantive and essential aviation safety requirements, which was first issued in 2002. This Regulation has been amended several times since, expanding progressively the scope of responsibilities of the Agency. The latest revision is foreseen to entry into force in September/October 2018. Among the numerous novelties, two articles concern social dialogue:

- Art. 89, on the interdependencies between safety and socio-economic factors requiring the EASA to consult relevant stakeholders when addressing such interdependencies and every three years, publish a review, which shall give an objective account of the actions and measures undertaken to address those interdependencies.
- Art. 115 on the rulemaking procedure and consultation mechanism requiring to involve the EU social partners and other relevant stakeholders when consulting on the possible social impact of Agency regulatory proposal.

In the light of the above changes to the basic Regulation, enhanced cooperation with EU social partners will be needed to reinforce EASA capacity in assessing potential social impacts of its regulations (Art. 115) and to address socio-economic risks to aviation safety (Art. 89). Jean-Marc Cluzeau concluded that there is a clear potential added value of having a specific input from the EU social partners for the assessment of socio-economic impacts.

The social partners asked how to concretely organise the consultation and involvement of the European Social partners. As a first step, a working group would be set up to discuss how to fix the modalities for implementing Articles 89 and 115.

6. Status Quo regarding the representation of social partners associations in the SSDC

The Chair welcomed the representatives of two associations. He stressed that the aim of the participation in the SSDC is to have a genuine social dialogue involving also activities in the working groups and specific projects.

The "Airline Coordination Platform", represented by Hans Ollongren, indicated that a formal application to become member of the SSDC was sent to the members. The application letter explains how the criteria for becoming member of the SSDC are met by ACP and their mandate for representing the Airlines Group. The association has reached a draft position on social standards in the EU airline industry included in their application. ACP refers to specific interest in the notion of home based carrier, social standards for third countries' carriers, the misuse of social rescue certificates and working conditions in the sector making reference to what happened in the maritime sector (see slides attached).

The "Airlines 4 dialogue" (A4D) represented by Alan Campbell, IAG and Diarmuid Ó Conghaile, Ryanair also presented their application to the SSDC indicating that they applied as observer in a first stage and as member as soon as feasible. The main purpose of A4D is to join the SSDC. A4D plans to focus on training standards, pilot supply and Brexit (see slides attached).

The reason to have airlines companies belonging to A4E, represented by two different organisations, was questioned; as the aim of the SD is to find consensus, different views might risk to block the social dialogue. The associations explained that they do not have the same position on social matters; they are referring to different business models. ACP indicated that they would participate in Air Crew and Groundhandling working groups; A4D would be interested by all groups but will focus on air crew in a first stage. On their engagement in social dialogue ACP indicated that it is already involved in initiatives with the unions. A4D explained that there are different models of engagement with workers, practices are currently evolving, e.g in Ryanair with formal agreements with pilots in two EU Member States.

The Chair thanked the associations for their explanations and concluded that the applications of the airlines associations shows a growing interest for social dialogue. In order to assess the representation and the involvement of the associations in the SSDC, he proposed to establish some criteria for helping the current members in their decision. He stressed that any approval or refusal should be motivated and not taken on a pure arbitrary basis.

Several members expressed the need for having the major carriers involved in the social dialogue, especially as customers. Other would like to make a distinction between the different associations and asked for better analysis of the applications. Considering the complexity of representation of airlines in the SSDC it was agreed to adopt a pragmatic step by step approach. Following an application, the secretariat of the SSDC (social dialogue unit) should collect the relevant information regarding the criteria set in Commission's Decision of 20 May 98 in order to allow each member to make its own assessment and take its decision regarding mutual recognition. Once the Chair is receiving an application co-signed by the members of the committee, this organisation should be recognised as a member of the SSDC.

It was also discussed whether one member could block another organisation to become a member of the committee. Several participants argued that such a refusal by a single organisation would need to be justified. Other members were not of that position. It was not feasible to reach a consensus on this issue; the case will be re-discussed when/if it happens.

The Chair indicated also that additionally it would be needed to discuss the rules / criteria for the representation of the associations in the committee (e.g. number of seats per association).

7. Report from the working groups

The chair dedicated the session by paying tribute to Michael Collins previous Chair who passed away last year and contributed a lot the social dialogue.

3.1. Air Crew

ECA made reference to the informal meeting that took place on the Temporary Agency Work for air-crew in civil aviation and a study prepared with the cooperation of ACP.

AIRE indicated that this study cannot be recognized as prepared by the working group but as a pure bilateral study by two stakeholders and not by the SSDC since it involves a non-member while not even informing the other members of the Group of such a study.

3.2. Air Traffic Management

CANSO presented the joint project with ETF launched in 2017 "Reinforcement of Social Dialogue in the field of Air Traffic Management (ATM) which focuses on the social impact deriving from the introduction of new technologies in ATM. The first workshop took place in September in Warsaw to cover two FABs. The project will end in October 2018.

They reported on the ASPReT (ATM Social Partners Regulatory Task Force - a technical coordination group of the social partners) mentioning the support to EASA for a better implementation of ATCO licensing regulation Reg. EU 2015/340 especially focusing on provisional inability for which a document to guide implementation will be made available by the end of the year. They mentioned a draft joint statement on the use of psychoactive substances to be released within the same timeline. In ASPReT the social partners engaged a discussion with EASA to improve the social dimension of the impact assessments and also to prepare the implementation of the future basic Regulation. Discussions are on-going on the establishment of competence requirements for ATM staff with safety related duties which are not currently regulated at EU level.

3.2. Ground handling

ETF reported on the finalisation of the "Ground Handling Social Dialogue Support" project and the publication of a brochure on market access, social conditions, training qualification and quality standards that will be a contribution to the revision of the Directive 96/67/EC on access to the Ground Handling.

8. Adoption of the 2018-2020 work programme

The work programme 2018-2020 was approved by each working groups.

9. AOB

- The social dialogue call for proposals was published with a deadline for application 25/09/2018
<http://ec.europa.eu/social/main.jsp?catId=329&langId=en&callId=527&furtherCalls=yes>
- Next meetings:
 - Ground Handling working Group: 30/10/2018
 - Air crew working Group: 19/12/2018

List of participants 22 June 2018

8 Employers (5 ♂, 3 ♀)	37 Workers (29 ♂, 8 ♀)
<p>ACI Mr Gérard Borel (FR) Chair of the SSDC Civil Aviation General Counsel for the Airport Council International</p> <p>CANSO Ms Sarah Paterson (UK) Ms Catherine Bichara (IT) Dr Zoltan Schönek (HU)</p> <p>ASA Mr Jon Conway, Director General (UK) Mr Bob Schmitz (BE)</p> <p>AiRE Ms Sylviane Lust (BE)</p>	<p>ETF Mr François Ballestero (ETF secretariat) Mr Oliver Richardson (UK) - Civil Aviation Section President Mr John Karsten Kristensen (DK) - CAS Vice president Mr Robert Hengster (DE) - Ground Staff Committee Chair Mr Charles-André Quesnel (FR) - ATM Committee Chair Mr Kris Major (UK) - Cabin Crew Committee Chair</p> <p>Ms Maria Quilez (BE) Mr Bjorn Vanden Eynde (BE) Ms Patricia Cumplido (ES) Ms Monique Duthiers (ES) Ms Rebecca Fawcus (ES) Mr Enrique Carmona (ES) Mr Didier Dague (FR) Mr Gauthier Sturtzer (FR) Mr Jean-Philippe Heckley (FR) Mr Arnaud Michel (FR) Ms Felicitas von der burg (DE) Mr Antonio Furtado (PT) Mr Henrik Bay-Clausen (DK) Mr Mark Jensen (DK) Mr Simone De Cesare (IT) Mr Michele Longano (IT) Mr Mauro Mari (IT) Mr Alberto Mazzei (IT) Ms Daniela Modonesi (IT) Mr Luigi Mansi (IT) Mr Chaker Nassar (SV) Ms Lise Iderstroem (SV) Mr Nikki Jones (UK) Mr Brian Norbury (UK) Mr Eamonn Wylie (UK) Ms Antoaneta Stoimenova (BG) Mr Vegard Einan (NO) Mr Lukas Krupitza (CH)</p> <p>ATCEUC Mr Voelker Dick (DE)</p> <p>ECA Mr Philip von Schöppenthau (DE) Mr Ignacio Plaza (ECA Secretariat)</p>