



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

SECTORAL DIALOGUE COMMITTEE CIVIL AVIATION

Meeting of the Ground Handling Working Group 7 February 2007 Concise minutes (adopted on 26 June 2007)

The meeting was chaired by Ms Sillanpää, replacing Ms Durst (DG EMPL/F.1). Participants presented themselves. Apologies had been received by AEA.

ETF asked for a clarification with regard to a possible submission from IAHA to become full members of the sectoral social dialogue committee. **IAHA** referred to information from the Commission that the organisation could only attend as observers. IAHA does not have a negotiation mandate from its national members. **ETF** considered that since national IAHA members have the capacity to negotiate, the issue should be referred to the Commission for examination and decision. Mandate to negotiate is obtained for specific topics as in the case of the working time agreement. **DG EMPL** confirmed that European organisations must have the capacity to negotiate, and that they obtain a mandate from the national affiliates to enter into negotiations on a specific topic, when applicable. **IAHA** stated its readiness to apply to the Commission for inclusion in the Committee.

1. Adoption of the agenda

The agenda was adopted.

2. Adoption of the minutes of the last meeting (11 October 2006)

The minutes were adopted with two additions from ETF:

Point 4.1, add: *In the framework of the possible revision of the ground handling Directive*, training and qualification of ground handling staff (proposal by ETF).

Point 4.2, add: based on the paper presented by Mr Schmitz *and the ETF text*.

3. Report from the Commission on the application of Council Directive 96/67/EC

Mr van Voorst (DG TREN/F.4), accompanied by a new colleague, referred to the adoption of the airport package 24 January and to the publication of the Commission report on the application of the ground handling Directive in this context. The report had identified, apart from a number of very positive effects from the Directive, certain

shortcomings of the Directive and the Commission had not given up on the possible revision, taking into account the effects of liberalisation but also in order to improve the text and its application. A proposal might be elaborated by summer. The social partners were invited to comment on the report.

ETF stated its slight disappointment with the report which built on data several years old. Furthermore, consequences for security needed to be addressed in the report. A revision of the Directive should not be undertaken until more information was available on the social impact of liberalisation, wages, training, staff turnover, types of contract etc. Evidence to judge the impact on number of jobs was lacking in the report. The relation between part time contracts and number of jobs needed to be clarified, and more data were necessary not only on the number but also the quality of jobs. Statistical data for conclusions were missing. As for security, certain data were difficult to substantiate, no evaluation of the situation was available.

The **employers** considered that the serious problem of monopolistic behaviour should have been addressed. They also regretted that the report referred to 2002 data on 2001 events rather than on recent functioning. As for the substance, a positive point was that the problem of capped markets had been raised. There were difficulties getting a viable share. The Commission's conclusions on the shortcomings of the current Directive were welcomed. Main issues were the selection procedures and the lack of transparency in the Member States in this context, and access fees, where ECJ jurisprudence needed to be clarified. There were divergent interpretations with regard to social protection and transfer of staff. A strong political signal from the Commission was needed to make sure that Member States provide data. Training and certification of staff should also be addressed.

A Turkish **trade union observer** deplored the negative impact on working conditions in this sector in Turkey. The **employers** stated their surprise at the active participation of a Turkish representative in the committee. ETF pointed out that the organisation was represented already at the last meeting and that it is a member of ETF¹.

ETF pointed out that data for the two new Member States Romania and Bulgaria were missing in the report.

DG TREN replied that the report builds upon an independent study, completed with elements on security on the basis of contributions from DG TREN/J. With regard to trends in the new Member States, questionnaires had been sent to all of them. Action would be taken with regard to one new Member State. For Romania and Bulgaria, contacts would be taken to complete the data. The report is also based on more recent data provided in consultation with stakeholders. No break in the trends during the last four years had been observed. If the social partners had indications to the contrary, this information would be welcome. Challenges with regard to employment and working conditions would be examined in a study just commissioned by DG TREN, which would cover air transport as a whole. Furthermore, DG TREN took note of the emphasis expressed by the social partners on a proper implementation of the current Directive. The

¹ Following the meeting, ETF and the DG EMPL representative discussed the principles for observers' participation in sectoral dialogue committee meetings. The Commission reminded of the following rules: observers may participate provided that both sides of industry have agreed to this, prior to the meeting. Observers do not make formal statements. They are not reimbursed by the Commission.

Commission was committed to pursuing this. DG TREN also noted that the social partners shared the identification of points to be addressed, namely

- Selection procedures and new service providers
- Access fees
- Maintaining and improving social protection
- Contestable markets, although still open to competition
- Social aspects. The study referred to above had started the same week. All social partners were represented in the steering group and would be contacted by the contractor ECORYS.

ETF asked for further information on the next steps, and on the just launched employment study. Were opinions of the Council and Parliament necessary? What would be the timing of the ECORYS study, and what impact would it have on the Directive? What was the scope and terms of reference of the study? Were aspects such as training, wages and contracts included? The conclusions of the report did not indicate a need for revision of the Directive. It would be difficult to get support for such a revision. How would contributions from stakeholders be taken into account? Were national authorities requested to contribute? The **employers** shared the concerns on the last point.

DG TREN replied that opinions from the Council and EP were not compulsory but that it would be wise to take any such opinions into account. EP would decide autonomously on how to deliver an opinion. The Council could discuss the issue during the German or Portuguese presidency within the aviation transport working group.

DG TREN had recently commissioned a study on the Social effects of the liberalisation of the air transport market. This study would also cover ground handling. A possible proposal for a Directive would not be directly linked to the study but the results could be useful in any case. The study would be finalised by August. The terms of reference had already been sent to the European social partners and would be distributed to affiliates. The report had clearly shown some shortcomings of the Directive and a revision would be needed. The Commission would be more than pleased to receive contributions either in writing or in the framework of committee meetings. National authorities would be approached by the contractor. It should be kept in mind that the Directive covers also other aspects than social issues.

The social partners concluded this point by stating that all partners felt the need for complementary and recent data. This would be further discussed at the next meeting, on the basis of a document to be drafted by ETF.

4. Training and qualification of ground handling staff

ETF had previously prepared a document which was not valid anymore. However there was still scope for joint action. ETF was working on a project proposal to be submitted for co-funding from the Commission by the deadline 1 March within call for proposals VP/2007/001 Social dialogue and industrial relations. The project would include research to identify best practices, a two-day conference and a report. ETF would be responsible for the application and for the management of the project, if accepted by the Commission. A steering group would monitor the project.

The **employers** stated their commitment to promoting training and supported the idea of benchmarking best practices, but felt that the scope of the project as outlined in the document was quite wide and not necessarily linked to training. The event would be a huge thing involving 80 people, and the added value and content needed to be discussed in the committee. All organisations were not quoted in the draft project description. July might not be the best period for the final conference. Having said this, the employers were in favour of the project.

ETF explained that provisionally, around 30 people would participate on the ETF side, while the five employers' organisations would get 5-6 places each. The draft would be completed. The aim would be to increase the visibility of the sector which is often too timid. The conference could take place in June. Spain could be an appropriate venue.

The committee agreed to the proposal from ETF. Support letters would need to be sent ASAP to ETF who would provide a model (done). The proposal would be submitted by 1 March.

DG EMPL stressed the need to invest in quality. The project description should be well developed and linked to the work programme of the committee. Dissemination and viability of results were important aspects. Complementarity with the DG TREN study should be ensured. The main event could be a useful opportunity to raise awareness in a new Member State.

5. EU ground handling tender process and selection criteria, with a focus on the social dimension

Mr Schmitz briefly referred to his discussion paper which was based on actual tender decisions and which showed that social considerations are often taken into account. The Directive was imprecise and opened up to arbitrary practices. This lack of transparency leads to legal uncertainty. Comments to the paper would be welcome. Reference was made to an interpretative Communication of the Commission on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives².

ETF found the subject interesting and referred to practices in Member States where social criteria may be included in collective agreements applicable to all. However, it was not considered appropriate to take position on a document presented on a personal basis.

It was decided that the document would be jointly analysed once IAHA had submitted its request to join the committee as a member.

DG EMPL mentioned that the question on public procurement was of interest for several sectoral dialogue committees. Guides for selecting of best value had been developed by the industrial cleaning, private security, textiles and contract catering social partners. In case the committee would find it useful, a presentation could be made at an upcoming meeting.

The committee expressed its interest to get more information about these initiatives.

² OJ C 179, 1.8.2006

6. Analysis of the effects on safety of sub-contracting 'en cascade' (proposal by AEA to ask AEA membership to provide input)

The committee noted that AEA was not present to introduce its proposal. It was decided to check whether AEA would provide a document. If not, ETF (Mr Gentili) would present a discussion paper, in view of a possible joint statement.

DG EMPL reminded of the dual role of the committee, ie information and consultation on one hand, and autonomous initiatives on the other. A wide range of tools were at the disposal of the social partners, not only joint statements. This could be further discussed at a later occasion.

7. Any other business

It was concluded that IAHA would submit their letter to the Commission requesting to become a member of the Committee.

Proposed dates for the next meeting: 26 or 27 June, preferred start time 11.00 to allow for preparatory meetings. This would be settled with Ms Durst.

Participants

<p><u>Employers</u></p> <p>Vanessa Holve (ACI Europe) Koen Vermeir (IACA)</p> <p><i>Apologies received: AEA</i></p> <p><u>Observers</u></p> <p>Gerrit Bellon (IAHA) Luc Meurrens (IAHA) Bob Schmitz (IAHA)</p>	<p><u>Workers</u></p> <p>Antonio Ascenzi (UILTRASPORTI) François Ballestero (ETF) Enrique Carmona (CC.OO.) Michael Collins (HTF) Kristina Deshko (ETTA) Francesco Garzia (ETF) Serge Gentili (ETF) Luigi Mansi (FIT-CISL) Frank Moreels (BTB- Adele Pellegrini (FILT-CGIL) Jean Ramel (CFDT) Fernando Sanchez Cano (UGT) Olivier Sekaï (FNST-CGT)</p> <p><u>Observer</u></p> <p>Pinar Erol (HAVA-IS)</p>
<p><u>European Commission</u></p> <p>Anneli Sillanpää (DG EMPL.F.1) Roderic van Voorst (DG TREN/F.4) Kyriacos Ktenas (DG TREN/F.4)</p>	