



EUROPEAN COMMISSION  
Employment, Social Affairs and Inclusion DG

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

Brussels, 8 September 2014

**SECTORAL DIALOGUE  
COMMITTEE  
CIVIL AVIATION**

## **Minutes of the plenary meeting**

**5 June 2014**

Chairperson: Mr Jahan (employers, Chairperson of the Committee)

### **1. Adoption of the agenda**

The agenda was adopted with one change in the order of items.

### **2. Air crew working group**

Ms Chicca (workers) suggested following-up on the workplace health promotion statement (see written proposal), which was agreeable to the ECA and the AEA. Mr Plaza (ECA) informed the participants about the progress of the joint project on 'Atypical forms aircrew employment in the European aviation industry with a focus on bogus self-employment'. The chairperson called upon the organisations to fill in the questionnaire on atypical work which will be sent out by the external experts (Ghent University).

### **3. Air traffic management working group**

Mr Rubini (workers) reported that the working group was continuing to make progress on the implementation of the ETF-CANSO Venice action plan. This included the update of the FAB guidelines together with the ATCEUC, the work on the so-called fifth pillar (joint position on staff mobility) and the analysis of best social dialogue practices at national/FAB level.

### **4. Ground handling working group**

Mr Ballestero (ETF) explained that the work had been suspended due to the decision-making on the new Directive which is blocked at the Council. However the next meeting was scheduled for 2 October 2014 to assess the situation with the Commission. The objective was also to find a common position on the Parliament's amendments. The question of transfer of staff in case of the end of a contract was still worrying. Both workers' and employers' organisations call for more guarantees for ground handling workers facing restructuring.

## **5. Information on new legislation on mobile workers**

Mr Jahan (employers) gave a detailed presentation on 'Social practices and unfair competition in air transport' (see slides) with a view to opening the debate on important issues such as the concept/definition of 'home base' and the risk of so-called 'flags of convenience'. The fear to see the European industry going offshore was shared by the workers' side. Mr Horne (Vice-Chairperson of the Committee) presented a draft joint declaration referring to mobile workers and invited all social partner organisations to subscribe to it. Since this proposal came at too short notice to some organisations, the decision on the final wording was postponed; but the parties agreed on the principle of issuing a joint text. The idea was that both the Chairperson and the Vice-Chairperson of the Committee sign the joint declaration on behalf of either all civil aviation social partner organisations or of those involved in the air crew working group<sup>1</sup>.

## **6. Information from the Commission (DG MOVE)**

Mr Baldwin (Director at DG MOVE) gave an overview of current and future initiatives in the civil aviation field having social implications. This included the possible revision of Regulation (EC) 216/2008<sup>2</sup>; the current revision of the ground handling Directive; the SES 2+ performance scheme: the harmonisation of the training and licencing requirements for ATCOs; and the continuous assessment of labour and working conditions developments.

The ensuing Q & A session focused on the following points: the general lack of considering the quality of jobs in the Commission's proposals; the potential effect of employment conditions on safety; the effectiveness of oversight on companies which are not operating in the Member State of registration; the worrying increase of self-employed air crews, including pilots, and the administrative challenge this poses to the authorities; the risk of having only foreign crews flying in Europe in the future; and the impact of including the 5<sup>th</sup> pillar into SES2+. The social partners also regretted that they had not been invited to the next Market Access Committee.

Mr Baldwin stated that the Commission certainly prefers jobs within the EU and defends quality jobs. He stressed that the safety oversight requirements on Member States are high as safety remains the number one priority. He stressed that the prime responsibility for safety lay with the airlines. One should not confuse safety and social aspects although there are some links. Regarding self-employment, Mr Baldwin reported that there was no basis for believing that Ireland did not respect the rules, based on the discussions the Commission had had talks with the Irish authorities. The Commission was interested to receive the conclusions of the social partners' study on self-employed workers, which was a recent phenomenon and needed to be monitored. Responding to some of the comments made by social partners, Mr Baldwin rejected the terms 'ultra-liberalism' and 'flag of convenience' as inappropriate. The latter was drawn from the maritime sector, and comparisons with aviation were not necessarily relevant. Regarding unfair competition, he pointed to unfair state subsidies that should be discussed within ICAO. He also referred to the work going on to upgrade Regulation 868/2004<sup>3</sup> and indeed to

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<sup>1</sup> The final version of the joint declaration is available at:  
<http://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=5370>

<sup>2</sup> [http://ec.europa.eu/transport/modes/air/consultations/2014-aviation-safety\\_en.htm](http://ec.europa.eu/transport/modes/air/consultations/2014-aviation-safety_en.htm)

<sup>3</sup> Regulation 868/2004 of the European Parliament and the Council 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

making EU airlines stronger. Air services agreements could contribute to that. Answering the question on SES2+, Mr Baldwin said a less prescriptive approach was being employed, where stakeholders are invited to propose solutions aimed at driving performance in the right direction. As far as the Market Access Committee was concerned, Mr Baldwin explained that the Commission wanted to address these issues first with the Member States.

## **7. Report on the meeting with the ILO related to the Global Dialogue Forum**

The chairperson announced that there will be a follow-up meeting to the Global Dialogue Forum on the Effects of the Global Economic Crisis on the Civil Aviation Industry<sup>4</sup> at the end of 2014, where the findings of the study on atypical contracts will be discussed. He stressed the need to continue the dialogue at that level.

## **8. Report on the ETF study on low cost carriers**

Mr Ballestero (ETF) informed the participants about ETF's project 'Evolution of the labour market in the airline industry due to the development of the low fares airlines'. With the help of external experts, a survey<sup>5</sup> was carried out mainly with airlines and ground handling companies. The survey had met 2,900 replies! The final conference of the project takes place on 1-2 July. The final results will be shared with all European social partners.

## **9. Competitiveness of the European aviation industry**

This question had been put on the agenda in view of the Gulf air carriers which are 100% state-owned and usually do not publish their sales figures. A reflection on fair competition was important and therefore the social partners agreed to add the following point on their work programme: 'The partners agree to begin this dialogue [on current issues at stake] with an informal reflection on how to ensure fair competition in the European and global context'. Each organisation would hold an internal debate; as a second step, common points would be identified.

## **10. Discussion and adoption of the 2014-2015 work programme**

The 2014-2015 work programme was adopted with the above-mentioned insertion and the new issue regarding baggage weight in ground handling.

## **11. Any other business**

Nothing was raised.

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<sup>4</sup> [http://www.ilo.org/sector/activities/sectoral-meetings/WCMS\\_181294/lang--en/index.htm](http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_181294/lang--en/index.htm)

<sup>5</sup> <http://www.itfglobal.org/etf/etf-3899.cfm>

List of participants:

<p><b>Employers (5 ♂, 0 ♀):</b></p> <p><u>ACI Europe:</u> Mr Borel</p> <p><u>AEA:</u> Mr Certain (FR) Mr Husain Khan Mr Jahan (FR)</p> <p><u>ASA Europe:</u> Not represented</p> <p><u>CANSO:</u> Mr Martis</p> <p><u>ERA:</u> Not represented</p> <p><u>IACA:</u> Not represented</p>	<p><b>Workers (21 ♂, 13 ♀):</b></p> <p><u>ECA:</u> Mr Horne (UK) Mr Plaza Mr von Schöppenthau</p> <p><u>ETF:</u> Ms Airaldi (IT) Mr Ballestero Mr Bay-Clausen (DK) Ms Belenguer (ES) Ms Björk (SE) Mr Carmona (ES) Ms Chicca (IT) Mr Collins (SE) Ms Delage (FR) Mr Hortobagyi (HU) Mr Hieronymus-Amberger (DE) Mr Jensen (DK) Ms Kachakova (BG) Ms Leal Tennberg (ES) Ms Lukács (HU) Mr Mansi (IT) Mr Maurer Ms Modonesi (IT) Ms Nabavi (SE) Mr Nassar (SE) Mr Norbury (UK) Mr Notebaert (FR) Mr Olajos (HU) Ms Panayotova (BG) Mr Parelius (DK) Mr Polo (ES) Ms Raphel (FR) Mr Rubini (IT) Mr Ülker (ITF) Mr van Alphen (NL) Ms Yordanova (BG)</p> <p>[ATCEUC: Not represented]</p>
<p><b>European Commission:</b></p> <p>Mr Baldwin (DG MOVE) Ms Durst (DG EMPL) Ms Ionescu (DG MOVE) Ms Kojo (DG MOVE) Mr Lagneaux (DG MOVE)</p>	