



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

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

Brussels, 3 February 2011

**SECTORAL DIALOGUE
COMMITTEE
CIVIL AVIATION**

**Concise summary of the Ground Handling Working Group meeting
16 December 2010**

The Commission representative was asked to chair the meeting. The agenda was adopted as well as the concise summary of the 15 November 2010 meeting.

At AEA's request, Mr Carmona (ETF) first explained the context within which he had made a statement to Vice-President Kallas the day before at an event organised by the European Aviation Club. Speaking on behalf of his Spanish union, he had announced that ETF was preparing a campaign on the revision of the ground handling directive. The objective was not to challenge the workers' links with the employers but to be ready for a "worse scenario". He reiterated that social dialogue was one of ETF's goals and affirmed that the planned campaign would not be a threat to it. ACI said they were comfortable with the question ETF had put to the Commissioner.

Mr Schmitz (IAHA) presented shortly the text he had drawn up in advance of the meeting, specifying that it had not yet been discussed with IAHA's members. He had left out the role of the users' committee and other elements for the time being. He had differentiated between the prerequisites ("first box" – health check, pre-qualification) and the real tender procedure ("second box" – award criteria). The text was based on four sources: the responses to the Commission consultation; a draft Commission proposal of 2005 (before going into the internal inter-service consultation); relevant EU procurement principles and ECJ jurisprudence; and some recent tender procedures.

The parties agreed to first listen to concrete examples before looking closer at the draft text on which ETF already had commented in writing.

ETF representatives from DE (Mr Krüger), IT (Mr Mansi) and ES (Mr Carmona) presented their respective situations. During the debate, more examples were referred to (SE, FR). The following aspects drew the most attention: there had been a rule for a transfer of staff in the German regulation (Bodenabfertigungsdienstverordnung/BADV). The European Court of Justice has rejected this rule in the BADV. Therefore there is no social protection left. The loss of a handling-contract is no case of a transfer of undertakings and there is no other protection mechanism left. The workers fall down between all protection rules. They are losing their jobs completely and other jobs with worsened conditions for new workers are created (DE); workers potentially do not only lose part of their salary but also acquired rights such as seniority rights (IT); some airports prefer to completely open the market in order not to need to tender (IT); the principle of no competition on terms and conditions (SE); "What is the lowest possible

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fair fare?" (IAHA); the French collective agreement was not covering airports, only ground handlers; the worker goes where the work goes and calculation of a "per plane labour ratio" (ES). A copy of the presentations of the IT and ES case were distributed after the meeting. The employers thanked for these comprehensive presentations. AEA announced they would discuss these examples with the ground handling people within the organisation and try to get a feedback on the situations in DE, IT and ES from the customers (airlines) point of view by mid-January.

The parties then looked again at the draft text. Mr Schmitz explained that the second paragraph under 1 was a quote from the advocate-general. It was agreed to make the quote visible and to differentiate between the quote and the social partners' assessment. Then the six bullet points of the pre-qualification procedure were discussed in more detail, especially points 4 (minimum qualifications) and 5 (minimum quality standards). Whilst ERA had problems with both of them, AEA had mainly a problem with point 5 since these standards were not known upfront. The wording here should be changed. ETF suggested that the authorities should be responsible to publish these standards. Mr Schmitz was ready to revise the paper on the basis of the discussion and the comments received before.

The next meeting was fixed for 3 February 2011 from 10.00 till 18.00 hrs.

List of participants 16.12.2010

<p>Employers (6 ♂, 1 ♀):</p> <p><u>ACI Europe:</u> Mr Borel Ms Funk (DE)</p> <p><u>AEA:</u> Mr Husain Khan</p> <p><u>ERA:</u> Mr McNamara (UK)</p> <p><u>IACA:</u> Apologies received</p> <p><u>IAHA:</u> Mr Navas (ES) Mr Schmitz Mr Stift (AT)</p>	<p>Workers (4 ♂, 1 ♀):</p> <p><u>ETF:</u> Mr Carmona (ES) Mr Collins (SE) Mr Krüger (DE) Mr Mansi (IT) Ms Pellegrini (IT)</p>
<p>European Commission:</p> <p>Ms Durst (DG EMPL)</p>	