



*"[air navigation control, [...] is a task involving the exercise of public authority and is not of an economic nature, since that activity constitutes a service in the public interest which is intended to protect both the users of air transport and the populations affected by aircraft flying over them". (Extract of decision C.364/92 of the European Court of Justice).*

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Dear Sirs,

ATCEUC is very surprised and disappointed about the press release that has been published on your web site on the 9th February. The content, the references and the congratulations are far from; what ATCEUC is expecting from a Social Partner at European level.

The first lines are in total contradiction, CANSO welcomes the royal decree/law and then goes on to say, "CANSO at all times seeks to encourage collaboration, convergence and harmonization in the provision of a safe and efficient Air Traffic Management". If CANSO had analyzed deeply the decree; your organisation would have realized that it is far from encouraging collaboration. Indeed it has been written

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in a unilateral way erasing as if by magic all the agreements negotiated with the Spanish ATCO union (USCA). ATCEUC together with CANSO participated in a workshop last 5<sup>th</sup> February – on the subject of, “how to enhance social dialogue”. The outcome of this workshop highlighted by CANSO was mutual listening, trust and co-operation but the outcome of the decree is in total contradiction with all those principles.

Then CANSO considers this royal decree law as a positive step forward. ATCEUC wonders how a Social Partner can consider a total absence of Social Dialogue as a step forward??? Especially when this dialogue is reinforced by the new article 152 of the Lisbon Treaty: “the union recognizes and promotes the role of the social partners (...) facilitating dialogue between social partners (...)”.

ATCEUC also wonders, considering the role and duties of the Social Partners, how can CANSO write sentences such as “The new decree also establishes for AENA an interim regime of three years governing the working conditions of its ATCOs which returns devolved powers to AENA’s management”. Is Air Traffic Control a question of power according to CANSO? If yes, then what is the use of participating in Social Dialogue meetings?

CANSO is, after having forgotten the basic Social Dialogue principles, promoting the liberalization of the market in this press release when ATCEUC doubts this is the political ambition of all CANSO members at EU level.

ATCEUC would also like to remind CANSO the Extract of the decision C.364/92 of the European Court of Justice stating that “[air navigation control, [...] is a task involving the exercise of public authority and is not of an economic nature, since that activity constitutes a service in the public interest which is intended to protect both the users of air transport and the populations affected by aircraft flying over them”.

We would like to remind CANSO that the progresses made these past years in terms of capacity increase, delay reduction, cost reduction etc.... Delays reduced from 5.5 minutes per flight in 1999 to 1.9 minute per flight in 2008, ATCO-hour productivity increased of 12.5% between 2003 and 2007, ATM/CNS provision costs per composite flight hour decreased by 9.8% between 2003 and 2007.

And this has been achieved through cooperation between staff and ANSPs and certainly not with the aim at liberalizing, which would bring the opposite effects in terms of safety and efficiency.

And this is raising very sensitive questions for the future; CANSO is forgetting the elementary safety principles regarding the provision of ATS. Indeed, CANSO is supporting the questionable position of AENA to set up a “short” training process for people having an aeronautical background, to deliver in the short term an ATCO license or indeed to certify with a fast track procedure an air traffic control service unit. ATCEUC would like to remind you that if the European skies are the safest today it is certainly not because ANSPs are trying to reduce the training time of their ATCOs or because NSAs have the ability to certify new providers every day! Could you imagine an airline giving a reduced training to its future pilots on the basis that they have been working in the planning office of their company? In the light of those elements, ATCEUC calls on CANSO to reconsider its views regarding safety.

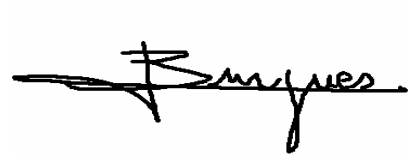
Finally, CANSO as a Social Partner is part of the Just Culture sub-group set up under the civil aviation social dialogue sectoral committee. This raises the question “how, after promoting the Just Culture in the working groups, can CANSO welcome a decree imposing measures such as the disciplining of staff and even staff dismissal if their actions affect safety, efficiency or the continuity of the service provision”?

ATCEUC would like to have a meeting as soon as possible with you and your executive board to clarify these elements and avoid any unnecessary reaction from its members.

Yours sincerely,



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