



*"[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).*

www.atceuc.org secretariat@atceuc.org

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Open letter to the Members of the European Parliament

Dear Members of the TRAN Committee of the European Parliament.

On 16 February 2017 the European Parliament approved a Resolution on an Aviation Strategy for Europe.

This Resolution highlighted the role of the aviation sector as a fundamental part of the European transport network, indispensable to ensure connectivity and territorial cohesion within the EU and worldwide.

This role has been confirmed during the darkest phase of the COVID pandemic when all the ground borders between the European states were closed and the only possibility to move people and goods, including the equipment necessary to fight the pandemic, was aviation.

For this reason, while the continuous rise of the Air Transport market has been highly affected by the COVID pandemic, the principles stated in that resolution remain valid and shall be the pillars for a new era of air connectivity.

ATCEUC ASBL C/O MERITIUS, 431, Avenue Georges Henri, 1200 Brussels, Belgium (judicial area of Brussels)
VAT number BE 0684.488.814

ACV TRANSCOM / CSC TRANSCOM (Belgium) - ATCTUA (Ukraine) - ATCU (Serbia & Montenegro) - ATSR (Romania) - BATCU (Bulgaria) - BHATCU (Bosnia and Herzegovina) - BGATC (Belgium) - CATCU (Croatia) - CYATCU (Cyprus) - DATCA (Denmark) - FATCA (Finland) - GATCA (Greece) - GdF (Germany) - GLCCA (Luxembourg) - HelvetiCA (Switzerland) - IATCA ATC Branch Fórsa (Ireland) - ICEATCA (Iceland) - ITUATC (Serbia) - LATCA (Lithuania) - MATCA (Malta) - MATCU (Republic of North Macedonia) - NATCA (Norway) - SINCTA (Portugal) - SNCTA (France) - SPKTA (Albania) - SSKL (Slovenia) - TUEM (EUROCONTROL) - UniCA (Italy) - UNICON (Kosovo) - USCA (Spain) - VLNG (The Netherlands) - ZZKRL (Poland)



The last chapter of the Resolution was dedicated to “Social agenda of the Aviation Strategy” and at point 45 a long list of statements was reported.¹

Sadly, what we are seeing now, is quite the opposite. After the events still pending in Albania and Poland, another attack at the social rights of the ATM Professionals has been executed in Hungary where a Government Decree, issued on 26th July 2021, [twelve hours after the official delivery of a legally binding Appeal Court’s decision declaring the planned strike compliant with the Hungarian Law], has overwritten the decision of the Court banning the Air Traffic Controllers working in Hungarocontrol, the Hungarian Air Navigation Service Provider, and members of MLISz Union from the possibility to defend their rights.

The **CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION**, solemnly proclaimed by the European Parliament, the Council and the Commission, dedicates article 12 to the “Freedom of assembly and of association”² and article 28 to the “Right of collective bargaining and action”.³

It is crystal clear that the issuing of such a decree by the Hungarian Government is against the text and the spirit of the Charter and all the European Institutions should intervene on the Hungarian Government asking to retract it.

¹ (the European Parliament) Underlines that the right to form and join a trade union and to undertake collective action is a fundamental right and must be respected, as laid down in Article 12 of the Charter of Fundamental Rights of the European Union; rejects any attempts to undermine the right to strike in the aviation sector; highlights the importance of having strong, independent social partners in the aviation sector, a regular, institutionalised social dialogue at all levels, and participation and representation of employees in company matters; insists on a proper consultation process and strengthened social dialogue ahead of any EU initiative concerning the aviation sector; welcomes attempts by the social partners to negotiate an agreement on the working conditions and social rights of employees in the European aviation sector; encourages them to negotiate collective agreements in all parts of the sector in line with national laws and practices, as such agreements are an effective instrument in combating a race to the bottom regarding social, working and employment standards and in ensuring decent remuneration for all workers;

² Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

³ Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.



ATCEUC highlights that the impact of such a decree is not only on the Hungarian Air Traffic Controllers' community but on the whole European Aviation Ecosystem and on all the European citizens, both flying and overflown.

Impairing the possibility for the Hungarian Air Traffic Controllers to take collective action to defend their interests doesn't resolve the problems their action highlights. This only weakens the strength of the system and finally could have an impact on the system's safety.

We humbly think that you agree with us when saying that the role of the European Parliament, the only Institution directly elected by and representing the European Citizens, is not only to issue legislative acts but to carefully behave as a *watchdog* on the respect by the national governments of the Citizens' fundamental rights and on the impact of national regulations on them.

We kindly ask you to point out to every European Country that it is unacceptable for a civilized European Nation to act so bluntly against the **CHARTER OF FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION**.

ATCEUC President
Volker Dick

Air Traffic Controllers European Unions Coordination (ATCEUC) was created in 1989 and is currently composed of 32 professional and autonomous trade unions representing more than 14000 Air Traffic Controllers (ATCOs) and Air Traffic Safety Electronics Personnel (ATSEPs) throughout Europe. ATCEUC is part of the "European Union Sectoral Social Dialogue - Civil Aviation" in the air traffic management field and it is recognised as a full member of the ICB. ATCEUC with its experts participates in every work group where the voice of its Members can and have to be expressed: SESAR JU, TSG, EGHD, EASA STeB, EASC, ASPReT, ATM Partners and other workshops or programmes within the framework of EUROCONTROL and the European Commission.