



"[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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Open letter to Mr Raúl Medina, Director General of EUROCONTROL

Brussels, 13 November 2023

Dear Director General,

Last October, the organization that you lead published the document titled "Impact of ATM related strikes on the European ATM network".

This EUROCONTROL study was carried out on the request of and under the guidance of the European Commission (DG MOVE). In the introduction it is stated that *"this study does not aim to take any position on the political or legal feasibility of the possible measures being assessed in the context of this study"*.

After comparing the impact of the French ATC strikes with the theoretical impact with different national regulations on Minimum Service Provision, we can read that "The approach currently chosen and applied by Italy, Greece and Spain in case of ATC strikes generates the lowest impact on the network, ensures predictability and provides continuity for all overflights with minimum disruption. ***The generalisation of such an approach is recommended on a network-wide basis in the case of ATC strikes.***"

ATCEUC believes that, given your experience as President of the Spanish NSA and Director General of the CAA simultaneously for 7 years from 2015 until 2022, you must be well aware that the Spanish Ministry of Transport has had more than 25 court rulings against their Minimum Service Provision, labelling it as **abusive and impeding the right to strike**, not only for ATCOs, but also for pilots, flight attendants and train drivers.

Furthermore, ATCEUC is sure you know the impact that this situation is having on the current state of Social Dialogue in the whole transport sector of Spain. As an example, ATCOs from 12 privatized towers have been on strike since January this year with, until today, almost no effect on the traffic or the global network. What could appear as a sign of strength from the Spanish authorities and Air Navigation Service Providers will reveal disastrous in the near future. Job

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attractiveness falling apart, increase in resignation, early retirement, burn out, absenteeism, lower human performance: the global performance of Spanish civil aviation will be at stake. In an EU context of air traffic controller shortages, many EU ANSPs would be very happy to welcome well-trained and experienced Spanish controllers.

ATCEUC recommendations to all EU aviation stakeholders is to respect and preserve the fundamental right to strike. While national regulations on minimum service provision can lead to lower impact and increased predictability on the ATM network in case of industrial action, the consequences that these regulations can have on Social Dialogue and the right to strike have to be carefully assessed on the short, medium and long term.

ATCEUC also questions EUROCONTROL's choices when tasked to *"assess, from a strictly operational and practical point of view, the impact of possible measures"* and when one of the recommended models has been repeatedly disqualified as illegal and abusive by the courts in Spain, **"Not taking position on the political or legal feasibility" does not mean forgetting to mention that some measures have been declared illegal by national courts?**

ATCEUC believes that Social Dialogue is fundamental for the advancement of society and the right to strike is an integral part of it. Countries that encourage and protect social dialogue and the right to strike are more prosperous, productive and egalitarian. Companies that promote Social Dialogue improve their production processes, quality of services delivered and ability to embrace technological innovations. In an intense labor sector such as transportation, Social Dialogue is a key factor to improve performance to the standards that modern society demands, and it is only through a healthy mix of inputs from management and workers' representatives that civil aviation will be able to face the challenges that a greener environment and the digital transformation impose.

Yours truly,

Volker Dick
ATCEUC President