



"[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).

Mr José Luis Rodríguez Zapatero
President of the European Union
Prime Minister of Spain

Mr José Blanco López
Minister of Development

Mr Antonio Tajani
Vice President of the European Commission

Aix en Provence, Monday February 8th 2010

Dear Sirs,

ATCEUC would like to draw your attention to some of the decisions that have been taken last Friday in Spain that do not reflect the level of development one expects from a member country of the European Union.

In the new article 152 of the Lisbon Treaty, the Union recognizes and promotes the role of the social partners (...) facilitating dialogue between social partners (...). Spain, holding the presidency of the EU since the 1st of January 2010, begins its term in a dictatorial and autocratic manner. Indeed, the elementary rights of the Social Partners are completely dismissed and regarded as irrelevant by the Spanish Government by publishing a Royal Decree-Law that dismisses with absolute contempt all the agreements negotiated between USCA and AENA these past years.

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Those agreements were taken under the framework of the Spanish Constitution (art. 37.1) that clearly states the right to collective bargaining:

“The law will guarantee the right to collective labour bargaining between representatives of workers and employers, as well as being a binding contract of all the agreements taken”

That right is virtually abolished now by the new Royal Decree-Law.


Among those, ATCEUC denounces the complete and unilateral change in the mobility rights that come from this Royal Decree-Law. Indeed, it goes against any elementary human right to decide unilaterally from one day to another that an air traffic controller has to change working location for service obligation. Another major and unilateral change in the working conditions of the Spanish controllers is the extension of labour hours at company's will with no negotiation at all.

ATCEUC is also ringing the alarm bell regarding the elementary safety issues that are completely forgotten by this dictatorial Royal Decree-Law. The decision of recruiting new controllers with only a shortened training period thanks to an aeronautical background is absolute nonsense. Would airlines recruit new pilots only because they have been working in the planning office of their company? How can one ensure a safe provision of air traffic services with a reduced training program?

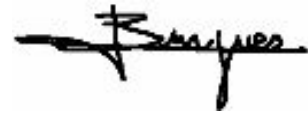
The Spanish language is an official ICAO language and therefore, it is a right to speak it within aeronautical operations. ATCEUC, in the light of this elementary right wants to warn the European Union about the fact that the Spanish decree-law is allowing recruitment with no local language proficiency - or at a minimum level. Personnel (maintenance, fire-fighters...) in airports and Area Control Centers have no minimum requirements to speak English. How could the coordination between a foreign controller and those involved in an emergency be trusted to provide the required reactions and decision-making. What could the consequences of a misunderstanding result in? Is Europe ready to face a new major accident over its territory?

Moreover, according to this Royal Decree-Law, technical-operative decisions normally made by the controller on duty anywhere in the World (such as the runway in use), in Spain, from now on, can be made by the management of the ANSP in the interest of the so called efficiency of the system. How can one ensure that these decisions will be the safest ones especially taking into account that these people do not have a valid operational license? Will they be in a position to take them?

In the light of the extreme urgency of the situation, ATCEUC requests the European Union to reconsider their position regarding these issues and to respect the fundamental rights of the citizens for a free social dialogue. We are also seriously concerned about the safety of overflying operations with destinations in a European country with such a huge touristic profile. ATCEUC urges the concerned authorities to stop this outrage against the most elementary values and against democratic freedom. We are ready to meet you to try to solve the situation in the fairest way for our members but also for the citizens that need to fly over Spain, and fly safely.



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