



*"[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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Brussels, 18 May 2020

To the President of the Republic of Poland  
Andrzej Duda  
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Your Excellency,

ATCEUC, the Air Traffic Controller European Union Coordination, is a recognized European social partner in Civil Aviation sector, gathering professional and autonomous Unions from 29 different countries including Poland, across Europe.

ATCEUC, together with CESI, the European Confederation of Independent Unions, in its daily work is in contact with all the European bodies involved in Air Traffic Management: The European Commission, European Parliament, EUROCONTROL, EASA.

With this letter ATCEUC would like to express its concerns about the proposed reforms of the Polish National law regarding PANSAs Workers' Rights.

It has been brought to our attention that these proposals contain an article prohibiting the strike of Air Traffic Control Operators (ATCOs) Flight Information Services Operators (FISOs) and Air traffic safety electronics personnel (ATSEPs).

ATCEUC strongly objects to this proposal.

The Republic of Poland as a full-fledged member of the European Union must be called upon to uphold the universal values of human dignity,

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**ACV TRANSCOM / CSC TRANSCOM** (Belgium) - **AEROCNTR** (Switzerland) - **APTC** (Switzerland) - **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) - **IATCA ATC Branch Fórsa** (Ireland) - **ICEATCA** (Iceland) - **ITUATC** (Serbia) - **LATCA** (Lithuania) - **MATCA** (Malta) - **MATCU** (Republic of North Macedonia) - **NATCA** (Norway) - **SKYCONTROL** (Switzerland) - **SINCTA** (Portugal) - **SNCTA** (France) - **SPKTA** (Albania) - **SSKL** (Slovenia) - **TUEM** (EUROCONTROL) - **UNICA** (Italy) - **UNICON** (Kosovo) - **USCA** (Spain) - **VLNG** (The Netherlands) - **ZZKRL** (Poland)

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freedom, equality and solidarity on which this Union is founded. These are solemnly proclaimed in the "CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION" where among the other things it is declared that EU Citizens have the right to form and to join trade unions for the protection of their interests.

The European Parliament's resolution of 16 February 2017 on an Aviation Strategy for Europe underlines at point 45 that the right to form and join a trade union and to undertake collective action is a fundamental right and must be respected and (the European Parliament) rejects any attempts to undermine the right to strike in the aviation sector.

In the same point is highlighted the importance of having strong, independent social partners for a regular, institutionalised social dialogue at all levels with the participation and representation of employees in company matters.

For many years ATCEUC, together with the European Transport Workers' Federation (ETF) and with the Civil Aviation Navigation Services Organisations (CANSO) have been working on instruments and procedures to be adopted for a smooth Social Dialogue in the field of Air Transport Management. This work, done with the fundamental support of the European Commission, delivered a set of "tools" strongly appreciated by the contributor and eventually presented to the Social Partners in all the EU countries. Warsaw was in September 2018 the venue of the first presentation. During that presentation, the involvement and the commitment of the Polish ANSP PANSO and of the Polish Unions has been true and it helped to establish among them a new level of consciousness of the importance of having Dialogue also when the positions are clashing, being strongly different.

Your Excellency,

Your Nation's history shows that prohibiting workers from striking can be disastrous socially and have dire consequences politically. In ATM, where the staff are committed to deliver a top quality safety service to the flying public and those members of the public living under flight paths and in airport environs, this prohibitions will raise the level of stress and will have a negative impact on the safety of operations.



European Institutions, through their legislative acts, are carefully working to reduce the sources of stress among ATCOs because the provision of services affects not only the population of the country where it is done but the population of all the different nationalities overflying it.

It will be ATCEUC responsibility to inform the European Commission, the European Parliament, EASA, EUROCONTROL and all the involved stakeholders about the possible consequences of your legislative act, if approved.

ATCEUC will raise the case not only ahead of the Aviation stakeholders but ahead of all the International bodies protecting workers' freedom and rights like the International Labour Organization.

ATCEUC strongly request you stop now to think and to use your wisdom and your powers of persuasion to make all the members of your Nation's Legislative Body aware of the negative effect that this law will have for your National Aviation System, for the whole European Aviation System and for of your Country's well-deserved reputation as one which, through the strength of its workers and their unions, threw off the chains of tyranny to embrace and cherish democracy and human rights.

ATCEUC remains at your disposal and will provide, if necessary, all the clarifications and information you may require on this subject.

Poland has been a central player in the growth of the European Aviation and we all want Poland to continue in this role, enhancing with your involvement with all stakeholders.

Volker Dick  
ATCEUC President