



SES 2 implementation Consultation of ATM Social Partners

Input from ATM Social Partners April 2010

1. Legislative and institutional background

1.1 Regulation 1070 / 2009

1.1.1 Treaty on the Functioning of the European Union

1.1.2 Article 154 (ex Article 138 TEC)

“The Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.” (...)

1.1.3 Article 155 (ex Article 139 TEC)

“Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements.” (...)

1.2.1 Recital 11:

The social partners should be better informed and consulted on all measures having significant social implications. At Community level, the Sectoral Dialogue Committee set up under Commission Decision 98/500/EC (1) should also be consulted.

1.2.2 Article 10

2. The Commission shall establish a consultation mechanism at Community level. The specific Sectoral Dialogue Committee set up under Decision 98/500/EC shall be involved in the consultation.

2. Institutional and legislative framework

The sectoral social dialogue set up under Commission Decision 98/500/EC is an autonomous dialogue between social partners (employers and employees) where the Commission plays the role of promoter and facilitator. Each sectoral dialogue committee shall, for the sector of activity for which it is established, be consulted on developments having social implications, and develop and promote the social dialogue at sectoral level. Sectoral Dialogue Committees are first and foremost an instrument of bipartite social dialogue, which means dialogue between both sides of industry on the issues they agree to discuss (also referred to as "autonomous social dialogue" in contrast to tripartite social dialogue).

The ordinary social dialogue meetings which allow the social partners to implement their work programme and for which the social partners set their agenda can not be understood or used as the "consultation mechanism" which the Commission shall set up under the new Article 10 of the SES.

Therefore the ATM social partners see the need to further clarify the organization that could be applied to this consultation of the ATM social partners

3. Tentative solutions

- DG Transport and Mobility shall set up a proper consultation mechanism according to Article 10 of the SES II framework regulation and provide adequate information and budget resources. When the consultation is expected to be long, special consultation meetings should be arranged. If appropriate, such consultation meetings could possibly take place one day after a social dialogue meeting.
- The meetings agendas of the ATM working party have always included an item dedicated to information by DG Transport and Mobility. Consultation could be included in the ATM working party meetings provided the consultation does not prevent SP from developing their autonomous agenda. This means that this consultation time should not exceed time devoted to one item of the agenda.
- Information about the topics of the comitology process should be communicated by DG Transport to Social Partners.
- Social Partners should be made aware at the earliest opportunity of a proposal for legislation so that they can assess the need to be consulted on the draft and on the most appropriate consultation mechanism.
- Social Partners could determine even by email exchange if they jointly request to be consulted.
- The Commission should recognize the resource implications for social partners of this consultation program. Resources should be allocated in a balanced way between the social partners to ensure the success of the consultation process.