

Wederhoor Europese Commissie

18 augustus:

Dear Mr. De Keersmaecker,

As discussed briefly over the phone, I would like to submit an interview request for European Commissioner Ms. Adina Vălean of Transport on working conditions in European aviation and the connection with flight safety, on behalf of investigative program [Zembla](#), broadcasted on Dutch public TV

My colleague Bart Nijpels and I have been investigating this topic over the past months, and therefore we have spoken to numerous pilots and cabin crew members of several airlines about their working conditions and legal position. We were already familiar with the subject, since we made the documentary 'Mayday, mayday' about Ryanair ten years ago. At the time pilots of Ryanair revealed a culture of fear, that resulted in pressure to keep on working while being unfit and taking less fuel than they wanted.

We investigated the current situation, not only within Ryanair, but also at other airlines. What has changed since 'Mayday, mayday'? It seems that some of the issues we encountered 10 years ago at Ryanair have become more commonplace in European aviation. There is an increasing workload with highly demanding schedules, airlines don't always seem to respect Flight Time Limitations. Crews experience pressure to keep on working while being fatigued, sick or unfit for other reasons. A significant part of flight crews is working on so called atypical contracts, which put them in a dependent and therefore vulnerable position. It raises questions like: what do governments, foremost the European Commission, do to combat social abuses and improve and guard aviation safety? Why is it a complicated and time-consuming process?

In addition to pilots and crew members, also representatives of trade organizations and experts on for instance labor law and fatigue will appear in our broadcast.

We think it's of great importance to hear the European Commission's view on the matters described above. In an interview on camera with Ms. Vălean we would like to hear her comments on our findings.

Since we are filming in Brussels on Tuesday 5th and Wednesday 6th of September, we would like to propose one of these days. Given the importance and complexity of the subject we think we will need about 45 minutes to record.

We would appreciate it if you can indicate by the end of next week whether you will accept our interview request. If you have further questions, we are of course happy to clarify.

Kind regards,

Jan Salden
Investigative journalist Zembla

21 augustus:

Dear Jan,

Concerning your request for an interview with Commissioner Valean, we have to inform you that the Commissioner won't be in Brussels the days you mentioned.

However, we suggest that you reach out to EASA for an interview. They have real-life experience of the situation on the ground (as well as in the air), as they carry out investigations and checks. They will be much better placed to respond to detailed questions on this issue.

Furthermore, if you have specific questions for the Commission, feel free to send us your questions and we will answer them in writing.

Best regards,

Deborah Almerge Rückert
Press Officer, Transport and Mobility

22 augustus

Dear Deborah,

Thanks for your swift response. We understand your reference to EASA and will surely approach them with questions that need to be addressed to them. At the same time, they fall under the political responsibility of the European Commission, and part of our questions belong, according to us, to the legislator.

After all, as we already indicated in our previous email, there is also an important social component to this story. It is for a reason that an Expert Group has been set up to investigate and advise about several topics like the legal framework, oversight, self-employment in aviation etc. An important question for us is therefore: what is the legislative and regulatory response to the problems identified by these experts?

Flight crews and their representatives have been pointing out for some time that their working conditions are under pressure, and they see a clear correlation with flight safety. Scientific studies also point in that direction. Does Ms. Valean recognize this, and what has been done to address the concerns of pilots and cabin crew? To what extent is the European Commission capable of solving the problems that are being reported for already quite some years?

We think it's of great importance to have the opportunity to address these questions to the European Commissioner responsible for aviation. I understand Ms. Vălean is not available on the dates we mentioned, but hopefully we can explore some other options. Can you maybe propose one or two alternative dates? Eventually we could even do an interview through Teams.

Kind regards,

Jan Salden

6 september

Dear Deborah,

We are happy to understand that you are willing to reconsider our interview request for Ms. Vălean. As discussed in our phonecall yesterday we hereby send you our main questions. You can consider them as a guideline for the interview:

- The number of so-called atypical contracts in aviation has increased over the past years. Flight personnel, unions and scientists argue that they have a negative impact on flight safety. Do you agree? What have you been doing to improve conditions for flight crews?
- Pilots and cabin crew members have been telling us they feel squeezed by their airline: workload is increasing, they are operating under demanding rosters, resulting in more and more fatigue. They admit they are pushed to go beyond professional boundaries, and they actually do. A recent study by the European Cockpit Association underlines this is a serious problem. Does this concern you? If so, what are you going to do about it?
- Unions of pilots and cabin crews criticize the European Commission for a lack of action. What is your response?
- The abuses are well known for many years. Why it is so difficult and apparently time-consuming to solve them?

We very much hope Ms. Vălean acknowledges it is of utmost importance the public can take note of her view on these matters. For the balance in our documentary we find her participation crucial as well. We will appreciate to hear from you if Ms. Vălean is able and willing to do an interview as soon as possible. It will not take more than 15- 30 minutes of her time. As we emphasized yesterday, we can travel anywhere that is convenient for her and if there is no other option, we could even do the interview through an internet connection.

Kind regards,

Jan Salden

6 september

Dear Jan,

As I mentioned yesterday, we will provide a written reply to your questions, as long as they are under the Commission's remit, and we will indicate which ones are under EASA's competence, so that you can reach out to them for a reply.

We will provide answers shortly to the questions in your email. If you have any additional ones, please feel free to send them as well.

Best regards,
Deborah

8 september

Dear Deborah,

According to my colleague you agreed to reconsider our request for an interview with Ms. Valean, and that you would pass on our questions to the Commission, to decide whether an interview would be suitable. We think we have made clear what themes we would like to discuss, so we would like to know if the Commission is accepting our request.

I have no doubt that you and the Commission are aware of the fact that we are a TV-program and not a newspaper. In other words, to give a balanced representation of Ms. Valean's view an interview on camera or through an online connection would be a far better option than answers in writing.

Just to add a note to the third question in my previous email: we have been interviewing several representatives of pilot and cabin crew unions. They believe that it takes an unnecessarily long time before action is taken. Some of them explain this due to a lack of political will. Of course, we would like to hear Ms. Valeans response to this.

Finally, we thank you for your proposal to indicate which questions would fall under the competence of EASA or the Commission. We have already tried to make that assessment. In our view, the questions we sent to you can and should be answered by the Commission.

We hope that an interview will be seriously considered.

Have a nice weekend.

Kind regards,

Jan Salden

8 september

Dear Jan

Thank you for your messages.

The Commission is always available to answer questions from the media. This said, whether a Commissioner can or not take an interview request personally is subject to her or his availability, and in this case it is not possible for Commissioner Vălean, as my colleague Deborah said. You will receive answers to your questions on the record, on behalf of the European Commission, that you will be able to quote as coming from a European Commission spokesperson, or under my name specifically.

I trust you will understand that we are doing our best to serve the needs of all media that request information from us, and we serve an extremely broad constituency from 27 EU Member States and beyond, with limited resources.

Kind regards,

Adalbert Jahnz
Spokesperson for environment, maritime affairs, transport, and the New European Bauhaus

11 september

Dear Adalbert,

We are happy to hear the Commission is always available to answer questions from media. We also understand that the Commission's availability is limited. However, I would like to point out that our first email with our interview request was dated August 21 (3 weeks ago) and we can offer Ms. Valean the opportunity for an interview until October 10. For us it is hard to imagine that in a period of more than 7 weeks, a 15-minute interview is not possible due to a lack of time or availability. As previously offered: we can travel anywhere or even do the interview online. We still hope you will change your mind.

Kind regards,

Jan Salden

11 september

Dear Jan

We have read your message carefully and responded accurately regarding the Commissioner's availability.

She has many responsibilities besides media engagement which means that she is not able to accept personally all the various requests that come her way.

The Commission's press service can assist you.

All the best, Adalbert

27 september

Dear Jan,

Thank you for your patience.

Please find below the written answers to your questions. If needed, they can be attributed to a Spokesperson of the Commission:

1. The number of so-called atypical contracts in aviation has increased over the past years. Flight personnel, unions and scientists argue that they have a negative impact on flight safety. Do you agree? What have you been doing to improve conditions for flight crews?

- Socially responsible, safe, and sustainable air connectivity in the EU has always **been a key priority for the Commission and the European Union Aviation Safety Agency.**
- Already in August 2017, EASA produced practical guidance on how operators' management systems may capture specific hazards that might be introduced by new commercial air transport business models¹. This was welcomed by Flight Crew Associations².
- The EU has also introduced various regulatory initiatives in the past few years to improve the conditions for flight crews. For instance, at the initiative of the Commission, a European Agreement

on the organisation of Working Time of Mobile Workers in Civil Aviation³ ensures that mobile staff in civil aviation are subject to similar working time conditions as non-mobile workers.

- A 2019 report entitled **Aviation Strategy for Europe: maintaining and promoting high social standards for aircrews' (the 'Social Report')** found that, in most cases, the aviation sector still offers high-skill jobs, and aircrews mostly enjoy better-than-average employment and working conditions⁴. Notwithstanding this, the report laid out an ambitious action plan requiring all parties concerned to act towards achieving an even more socially responsible sector and preserving high quality employment.
- As a follow-up to this Report, the Commission services established a Sub-group on social matters related to aircrews under the Expert Group on Aviation Internal Market. This Sub-group is focusing on sharing information and exchanging views and experience on how labour law may be appropriately enforced in relation to aircrews as well as good practices on how to make air transport socially more responsible. The sub-group for social matters related to aircrew which is coordinated by the European Commission and has brought together labour and aviation experts from different Member States and EEA countries to discuss specific social issues. Sectoral social partners and the European Labour Authority (ELA) also participated. The sub-group produced several papers addressing social topics/issues of relevance to the aviation sector, such as “Enforcement of applicable labour law”, “Self-employment of aircrew members”, “Oversight”, “Work through intermediaries”, and “Posting in commercial air transport”. With the support of ELA, the Commission intends to monitor the implementation of the recommendations at Member States level and provide further assistance where necessary.
- It is also worth noting that with its **'Sustainable and Smart Mobility Strategy – putting European transport on track for the future'**, adopted in December 2020, the Commission has reaffirmed its strong commitment to continue to work towards promoting high social standards in aviation, which is also one of the sectors that was hit the hardest by the COVID-19 pandemic.
- **The conclusions of the Social Report from 2019 remain valid:** substantial EU and national legislation already protects aircrews. Effective enforcement of these rules avoids abusive practices and ensures a level playing field on the European aviation market. The Commission remains committed to supporting the Member States in this respect.

2. Pilots and cabin crew members have been telling us they feel squeezed by their airline: workload is increasing, they are operating under demanding rosters, resulting in more and more fatigue. They admit they are pushed to go beyond professional boundaries, and they actually do. A recent study by the European Cockpit Association underlines this is a serious problem. Does this concern you? If so, what are you going to do about it?

- The safety relevance of adequate fatigue risk management is fully recognised by the Commission. The European Union Aviation Safety Agency (EASA) is also giving serious consideration and attention to this area and is currently conducting an in-depth review of the rules addressing aircrew fatigue-related risks. The EU has one of the world's safest regulatory environments for aviation, with very clear rules on flight time limitations, and EASA is constantly working with the national aviation authorities and stakeholders to make sure it is up to date. EASA delivered a first report in 2019 providing an overview of the work performed, results and recommendations, and critical assessment of the review of the effectiveness of the EU requirements concerning flight and duty time limitations and rest requirements. A scientific study ranked duties by their impact on aircrew fatigue and focused on the top-two ranked fatiguing duty types over 2 years.

- This was the first phase of the research which assessed the impact of ‘night duties longer than 10 hours’ and ‘disruptive schedules’ on the fatigue of aircrews. Further research is recommended alongside other actions to support air operators with their responsibility to tailor more effective fatigue risk management strategies for night duties⁵.
- The second phase study considers other aspects such as duties of more than 13 hours at the most favorable time of the day; duties of more than 11 hours for crew members in an unknown state of acclimatization; on-call duties such as standby or reserve followed by flight duties and controlled rest. The methodology used foresees the collection of objective sleep and fatigue data from aircrew and will therefore allow an accurate evaluation of this safety issue to be established. Once available, the results of the EASA study will be then used to further refine our activities in this domain.
- In fact, fatigue features quite centrally in the EASA’s efforts to ensure that the aviation industry and national regulators are well prepared to identify and mitigate all potential safety risks. We have an established procedure for situations when there have been complaints from the sector. EASA is responsible for monitoring the implementation of Flight Duty Time rules by the competent authorities in the context of its so called “standardization” visits...
- In the wake of the COVID crisis our main focus has been to ensure that safety is not compromised despite current challenges. In July 2020, EASA published guidelines on the importance of resilient ‘air operators’ management systems in the COVID-19 recovery phase, which were complemented by three practical operational scenarios. EASA has now developed an additional scenario addressing the issue of crew skill decay. This scenario was reviewed and agreed with a task force composed of representatives of EASA, authorities and airlines.
- This practical scenario supports the air operators in developing their comprehensive risk assessments to resume normal operations and monitor the assurance of safety by providing information on possible hazards, threats and consequences, and by suggesting mitigation measures.
- The outcome of the ECA survey is being carefully reviewed, in particular in the context of the EASA’s standardisation efforts. Fatigue management is already a focus area of our standardisation activities, where EASA continues to place special emphasis on verifying national aviation inspector competences in this domain. EASA also invests in implementation support by continuously developing oversight tools, like the one quoted in the report, and other implementation support material.

3. Unions of pilots and cabin crews criticize the European Commission for a lack of action. What is your response?

- Practices which constitute abuse or circumvention of applicable law **have no place in the EU’s Single Market for aviation**. The Commission made its position very clear already in its 2019 Social Report: Proper enforcement of EU and national rules is essential in all forms of employment of aircrews.
- This is primarily a matter for the Member States, their relevant authorities and national courts. Proper enforcement is crucial to avoid employment practices, which constitute abuse or circumvention of applicable law, and to ensure a level playing field.
- The Commission and its agencies, such as the European Union Aviation Safety Agency and the European Labour Authority, are engaged in both the safety and social fields in the aviation sector, and using the papers addressing social topics/issues of relevance to the aviation sector produced by

the Sub Group for social matters related to aircrew, several actions have been taken in the past few years, including:

- The European Platform tackling undeclared work supports the activities of the Authority in tackling undeclared work. It enhances cooperation between Member States' relevant authorities involved to fight undeclared work more effectively and efficiently while fully respecting national competences and procedures.
- In April 2023, ELA organised a workshop on the aviation sector with the sectoral social partners and academic experts to collect their views on the main social challenges in the sector, and on the possible role of ELA to tackle them. During the workshop, the main topics discussed were the application of the labour mobility framework in the aviation sector, given its competitive nature and the highly mobile and internationally complex mobility schemes used.
- The social impacts of the COVID-19 crisis in the air transport sector have been significant, notably for aircrews and ground handling personnel. During the crisis, the Commission launched a range of short- and longer-term measures to support workers and employers, including through the EU-wide scheme 'Support to mitigate Unemployment Risks in an Emergency (SURE)'. In this context, it is also worth noting the EASA guidelines on the importance of resilient 'air operators' management systems in the COVID-19 recovery phase, which were complemented by four practical operational scenarios including one addressing the issue of crew skill decay.

4. The abuses are well known for many years. Why it is so difficult and apparently time-consuming to solve them?

- First it should be noted that, as found in the above-mentioned report of 2019, direct and permanent employment contract with an airline carrier remains the predominant form of employment for 80% of cabin crew and 82% of pilots working in the EU.
- Nonetheless, the concerns expressed by aircrew associations regarding atypical forms of employment and their possible impacts on social and safety conditions in the aviation industry have been taken very seriously. As mentioned, several actions have been taken before the outbreak of the pandemic in order to ensure that European and national labour regulations are properly applied to aircrew.
- Unfortunately, some developments have slowed down some of these activities as the air transport sector has been badly hit by the pandemic and the consequences of the war in Ukraine. The reduction of labour costs has often been one of the main options for aviation stakeholders to reduce fixed costs and to survive the crisis. The Commission has launched a range of measures to support workers and employers during the crisis, both short and longer term. The Commission's EU-wide scheme SURE helped to mitigate unemployment risks by helping workers to keep their income, and to help businesses stay afloat and retain staff. SURE provided financial assistance up to €100 billion in EU loans.
- The rapid recovery of demand has itself generated further difficulties in recent months (and especially during summer months), the aviation sector (airports in particular) is not able to cope with the surge in demand. This leads to delays, cancellations and chaos at EU airports. Increasing pressure on European airports which are dealing with staffing issues as passenger numbers rise.
- The Commission is determined to continue to deliver a strong EU social agenda in air transport and continues to actively collaborate with and seek the active participation and contribution of all

parties concerned – Member States, other EU Institutions, airlines, employers and workers' organisations, to act together towards achieving this goal.

Best regards,
Deborah