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 **Air Dolomiti**  **Lufthansa Cargo**

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Air Dolomiti  
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Brussels Airlines  
KLM  
Lufthansa German Airline  
Lufthansa Cargo  
SAS Scandinavian Airline  
TAP AIR Portugal

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Brussels, 6<sup>th</sup> of April 2021

Mr. Joost Korte  
Director General  
DG Employment

By e-mail: [EMPL-SOCIAL-DIALOGUE@EC.EUROPA.EU](mailto:EMPL-SOCIAL-DIALOGUE@EC.EUROPA.EU)

**First phase Consultation of the Social Partners under Article 154 TFEU on a possible action addressing the challenges related to working conditions in platform work**

Dear Mr. Korte;

In our role as a Social Partner organization in Civil Aviation, the Airline Coordination Platform is hereby referring to the Consultation Document C(2021) 1127 final, published on February 24<sup>th</sup>, 2021.

The airline industry is not one of the sectors which would normally be associated with issues related to platform work. However, a number of the topics described in the Consultation Document is equally relevant for the sector. We therefore take the opportunity to highlight some of those issues, as we believe that community action should be taken to remedy practices which are socially disputable, and which create serious distortion of competition.

Based on the questions in Section 6 of the Consultation Document, we would hereby like to convey the following remarks;

I. We do consider that the Commission has correctly and sufficiently identified issues and possible areas for EU actions.

In this context, we would in particular highlight the practice of “false” or “bogus self-employment” as identified and described in the glossary under section 2.1.

We have repeatedly identified this practice as both socially unacceptable but also a method of employment which seriously distorts competition (as also described in section 2.4).

We are aware that a number of Member States have national practices or legislation, allowing or even indirectly encouraging false or misclassified self-employment, alternatively have practices or legislation which are not applied or properly enforced.

We believe that the Commission should take the opportunity to address these issues within the framework of the envisaged action plan.

II. Yes – we do consider that EU action is needed to effectively address these issues. In particular we believe that false self-employment in the aviation industry should be investigated by the Commission under Article 116 of the Treaty, given that these practices create distortion of competition. We are of the opinion that this would be relevant even outside the remit of the particular action plan envisaged in the Consultation.


III. We take the view that possible action, should be taken to eliminate the practice of bogus self-employment on a broader scale, and not only limited to target people working within the context of digital labor platforms. The problem is much broader than that.

IV. Yes – the objectives presented constitute a comprehensive overview of actions needed. We should add that false or misclassified self-employed pilots and cabin crew are at risk of lacking protection e.g. within the areas of working time, health and safety, social protection including sick and pregnancy leave, professional development as well as the rights and obligations of collective bargaining agreements. Additionally, as has been described above, the practices do create a competitive disadvantage towards employers who take their social responsibilities seriously and are competing on the same market.

V. No, we do not consider that a dialogue (or an agreement) under Article 155 would be realistic, given that the views on the issues identified in the consultation would differ between employers using or not using the practice of false self-employment.

We would take the position that action by the Commission under the envisaged package of measure would be the appropriate way forward.

Yours sincerely,



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Hans Ollongren  
Director  
Airline Coordination Platform