

Question for written answer E-006007/2017
to the Commission
Rule 130
Elena Gentile (S&D)

Subject: Working conditions at the airline company Ryanair

In its judgment in Joined Cases C-168/16 and C-169/16, the Court of Justice of the European Union ruled that, when establishing jurisdiction pursuant to Regulation (EC) No 44/2001, the concept of 'home base' under Regulation (EEC) No 3922/91 constitutes a 'significant indicium' for determining the 'place where the employee habitually carries out his work'.

Article 8 of Regulation (EC) No 593/2008 establishes, with regard to employment contracts, the primacy of the law chosen by the parties, without this serving to deprive the employee, in the absence of such choice, of the protection afforded by provisions that cannot be derogated from, including (paragraph 2) the law of the country in which the employee habitually carries out his work.

Ryanair employment contracts are governed by Irish law. The company also uses temporary workers and 'self-employed' staff to perform the duties of its employees. The company does not agree to collective bargaining, and the difficult working conditions there put the safety of pilots and passengers at risk.

In the light of the above, can the Commission state:

- whether the automatic application of Irish law to employment contracts is in line with Article 8 of Regulation (EC) No 593/2008, and whether, in this case, the concept of 'home base' can be applied for the purpose of establishing applicable law;
- whether the use of pay-to-fly contracts and 'self-employed' staff, along with current working conditions, comply with European regulations and guarantee air passenger safety;
- what measures it will take to safeguard the social dialogue in this case?