



**AGREEMENT RELATING TO  
PROCEDURE FOR LABOUR NEGOTIATIONS AT  
EUROPEAN LEVEL**

Between

The EADS Group on the one hand,

and

The representatives of national unions on the other hand.

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## PREAMBLE

Since its creation, the EADS Group has attempted to develop quality social dialogue at European level. The creation of the European Works Council in October 2000 represented a first founding step in this respect, and provided a structure for the consultation of personnel representatives and the distribution of information.

However, to reinforce its integration and improve personnel representation, the EADS Group must be able to define and implement transnational social policies. This implies that it must be able to negotiate with unions when necessary in optimised conditions.

This agreement aims to meet this requirement, and must achieve new progress in view of extending social dialogue within the EADS Group. This agreement defines the applicable procedure at European level for the negotiation of a transnational issue relating to the entire EADS Group or one single of its divisions.

## Article 1: Purpose

This agreement aims to define the procedure of negotiation at European level, when Central Management and the trade unions wish to discuss a transnational matter concerning at least two different countries.

Irrespective of the matter in question, transnational negotiation of this type cannot modify applicable national rules, unless the provisions of the transnational agreement are more beneficial than these national rules.

## Article 2: Scope

This agreement covers the EADS Group and its Divisions. It may therefore apply to:

- 2.1 Group level when EADS Central Management and trade unions both want to negotiate a transnational matter as defined in article 1 above
- 2.2 Division level when Central Management and trade unions of the Division both want to negotiate a transnational matter which only concerns the Division in compliance with article 1.

## Article 3: European Negotiating Group

The signatory parties hereto agree that negotiations of any transnational matter at EADS Group level or within one of its divisions as provided in article 2 will be conducted within a European Negotiating Group. The representatives of trade unions (or of the Group works council in Germany) participating in this European Negotiating Group will be from the countries represented in the European Works Council of EADS or in the European Committee of the concerned Division. Only the representatives of the countries involved in the negotiation will participate in the European Negotiating Group.

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## I - Negotiation at EADS level

### Article 4: Composition of the European Negotiating Group

#### 4.1 The representatives of national unions

- 4.1.1 All countries involved in the negotiations and represented in the European Works Council of EADS are entitled to be represented by one or more representatives within the European Negotiating Group, depending on the workforce of the EADS Group in each country.
- 4.1.2 Only the employees belonging to an EADS company<sup>1</sup> in a given country are taken into consideration in the calculation of the national delegation of this country.
- 4.1.3 Each country involved in negotiations and represented in the European Works Council of EADS is assigned one representative per ten thousand employees. This will be capped at a maximum of five representatives per national delegation<sup>2</sup>. For the calculation of the national delegations of the different countries, EADS headcount figures are determined on the 31st of December of the calendar year preceding the negotiation.
- 4.1.4 Once the total number of representatives for a country's delegation has been defined, the attribution of seats to the national unions is defined by the unions themselves by consensus, or, should this not be the case, according to the applicable national regulation. The trade unions representatives (or the Group works Council representatives in Germany) mandated to participate in the European Negotiating Group, must necessarily be employees of the EADS Group or standing experts of the European Works Council.

#### 4.2 Representatives of the European Works Council

The two Chairpersons of the European Works Council of EADS are members of the European Negotiating Group as of right and represent the European Works Council within the European Negotiating Group. They will therefore receive a negotiation mandate from the members of the European Works Council.

#### 4.3 Representative of the European Metalworkers' Federation

One representative of the European Metalworkers' Federation (EMF) will participate in the European Negotiating Group as a coordinator and advisor.

<sup>1</sup> Is considered as an EADS company, any company whose more than 50% of shareholders equity belongs to EADS

<sup>2</sup> 1000-10,000 : 1 ; 10,001-20,000 : 2 ; 20,001-30,000 : 3 ; 30,001-40,000 : 4 ; 40,001 and above: 5 (maximum)



**Article 5: Organisation of the European Negotiating Group**

- 5.1 Once trade unions and EADS Central Management have agreed to open a transnational negotiation, the latter will officially summon the European Negotiating Group.
- 5.2 Summons must be sent out at least seven weeks prior to the start of negotiations, to national unions (Group Works Council in Germany), the chairpersons of the European Works Council of EADS and the European Metalworkers' Federation. The summons must necessarily mention the date and purpose of negotiations and the number of representatives assigned to each national union, in accordance with the provisions of article 4.1.

**Article 6: Preparatory meeting for the European Negotiating Group**

- 6.1 The European Negotiating Group will organise a meeting to prepare for negotiations and coordinate the positions of the different unions. This preparatory meeting must be held within the three weeks preceding the start of negotiations.
- 6.2 Central Management is in charge of the organisation of the preparatory meeting.  
The two Chairpersons of the European Works Council of EADS must specify in writing the planned date for the meeting, at least fifteen days prior to this preparatory meeting
- 6.3 Each national union must officially mandate its representative(s) to participate in negotiations, by sending a letter to the Central Management of EADS at least forty eight hours prior to the preparatory meeting. With regard Germany, the designation and mandate are issued by the Group Works Council (Konzern Betriebsrat).
- 6.4 In principle the members of the European Negotiating Group with official mandates according to the provisions of article 4 should participate in this preparatory meeting.
- 6.5 If the European Works Council has launched a brainstorming session prior to the opening of negotiations, in application of article 6.3 of the agreement of 30 October 2008, conclusions or recommendations must be notified to the members of the European Negotiating Group at this preparatory meeting.

**Article 7: Validity and application of agreements reached by the European Negotiating Group**

- 7.1 To be considered as enforceable in the countries represented in the European Works Council, any agreement must be validated by at least two thirds of the members of the European Negotiating Group, as defined in article 4.
- 7.2 Once validated, the agreement must be formally signed by the national trade unions and the European Works Council's representatives within thirty calendar days after the final negotiation meeting.
- 7.3 Unless the negotiators of the Group agreement have expressly provided that some of the provisions may be modified in the context of national negotiations, this agreement must then be applied in all European countries participating in the

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European Negotiating Group, in accordance with national legislation, without any modification of its provisions.

- 7.4 The application of any agreement in a country not represented in the European Works Council will be the subject of further consultation within the national framework of that country.

## II - Negotiation at Division level

### Article 8: Composition of the divisional European Negotiating Group

The key principles defined for the EADS Negotiating Group in Article 4 and 7 above apply to the Divisional Negotiating Group:

- All countries represented in the divisional European Committee participate in the European negotiating Group,
- The size of each national delegation is proportional to the division's workforce in this country,
- The chairperson and the vice chairperson of the divisional European Committee are members as of right of the divisional European Negotiating Group. They represent their European Committee within the negotiation from which they have received a negotiation mandate,
- The EMF representative has a coordinator and advisor role,
- The representatives of the trade unions (or Central works Council in Germany) mandated to participate in the divisional Negotiating Group must be employees of the division or standing experts at the European Committee,
- Once the total number of representatives for a country's delegation has been defined, the attribution of seats to the national unions is defined by the unions themselves by consensus or should this not be the case according to the national applicable regulation.
- Transnational agreements are submitted to validation by at least two thirds of the members of the European negotiating group and signed by the national trade unions and the two chairpersons of the European committee. They are then applied without modification in all countries participating in the negotiating group unless the negotiators have expressly provided that some provisions may be modified in the context of national negotiations.

The total number of participants in the divisional Negotiating Group as well as the repartition per country will be determined by agreement between Management and trade unions at division level.

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**Article 9: Organisation and preparatory meeting**

Except the principle of a preparatory meeting as defined in article 6.1 all the provisions stipulated in articles 5 to 6.3 can be adapted and modified by the Divisions.

**Article 10: Duration of the agreement**

This agreement is concluded for an indefinite period.

The signatories agree to meet at any time if necessary in order to modify the provisions of this agreement either due to changes in legislation or simply to improve the effectiveness of this agreement.

At *Paris* , on *September 28, 2010*

On behalf of EADS  
Group Central Management

On behalf of the delegation  
of national unions

FRANCE

Pour la CFTC, *H. LENSKY*

Pour la CFE-CGC, *Françoise VALLIN*

Pour la CGT, *Michel MOLESIN*

Pour FO *PH. FRATTE*

Pour la CFDT *J.B. GAILLANOD*

GERMANY

*Rüdiger Ludwig*

*Thomas Busch*

*Wipac*

*Stef. Bae*

*Stef. Bae*



GREAT BRITAIN

FOR UNITED UK all London  
FOR CSEW High South

SPAIN

FOR MCD-UGT SPAIN



MANUEL GARCIA CALGADO

FOR ECOM

Manuel Feliciano Ruiz

