

Letter

Brussels, 17 May 2023

Re.: Draft Regulation on the Act in Support of Ammunition Production (ASAP) – trade unions insist that workers' rights are protected

Dear MEP,

We write to you as trade unions representing workers in the European defence sector, to highlight our concerns with regard to the draft Regulation on the Act in Support of Ammunition Production (ASAP). In particular, **we are extremely concerned about Article 18, which includes the possibility for Member States to, or encourage companies in the defence sector to, “use derogations provided for in Article 17(3) of Directive 2003/88/EC in order to allow expansion of working shifts”.**

Directive 2003/88/EC, the Working Time Directive, which is a cornerstone in the EU health and safety acquis, allows for sufficient flexibility that makes it possible for companies to tackle acute needs for more labour input. The increased demand for ammunition must not be used as a pretext for derogations from rules that protect workers against excessive strains and accidents. The EU should not encourage Member States to put workers' health and safety at risk. **Therefore, we ask you to propose an amendment to delete Recital 41 and article 18 (1) of the proposed Regulation.**

Furthermore, we are concerned that the draft Regulation encourages Member States or concerned companies to use derogations in existing rules beyond the EU Working Time Directive. Such recommendation extends to the Directive on the award of certain work contracts, supply contracts and service contracts, by contracting authorities or entities in the fields of defence and security, and to the Directive simplifying the rules and procedures applicable to the intra-Community transfer of defence-related products in order to ensure the proper functioning of the Internal Market. In this context, we recall Recital 46 of Directive 2009/81/EC on defence and sensitive security procurement, which makes clear that collective agreements and employment law apply during performance of defence contracts.

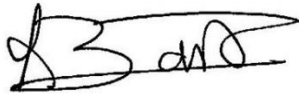
IndustriAll Europe and the ETUC both acknowledge the intended support to the European defence manufacturing industry via the draft Regulation by strengthening the responsiveness and ability of the European Union's defence industry, both with regard to ensuring the security of the EU and the EU's continuous efforts to support Ukraine. **However, such support cannot be at the expense of workers' health and safety, nor can it be at any price for society through the redirection of funds initially intended for cohesion or the green transition, without social conditionalities attached to the use of public funds.**

This draft Regulation, next to the Single Market Emergency Instrument (SMEI), is yet another warning flag to European trade unions that the EU is anticipating urgent situations and creating exceptions that are neither proportionate nor adequate and will have a direct negative impact on workers' rights. By claiming that existing rules do not ensure the security interests of Member States, without evidence, the draft Regulation creates incentives to introduce flexibility around workers' rights on working time and defence procurement conditions.

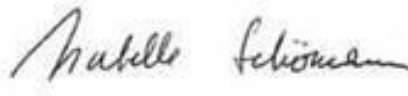
Once again, the much damaging dogma of deregulation and administrative burden reduction permeates in the Commission's initiative, a trend that European trade unions have recurrently called out due to the damage it creates to the rule of law and democracy in the European Union.

We urge you to ensure the draft Regulation does not negatively impact defence workers in Europe and to specially put forward an amendment to **delete Recital 41 and article 18 (1) of the proposed Regulation.**

Yours sincerely,



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IndustriAll European Trade Union



Isabelle Schömann
Confederal Secretary
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