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Labour regulation of international aviation: A crawl-walk-run approach in international law

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Citation

Shi, Y. (2024, November 12). *Labour regulation of international aviation: A crawl-walk-run approach in international law*. Meijers-reeks. Retrieved from <https://hdl.handle.net/1887/4109028>

Version: Publisher's Version

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Appendices

Appendix 1

Excerpt of relevant legal texts

THE EU–QATAR CATA (2021)

Article 20 Social aspects:

1. The Parties recognise the importance of considering the effects of this Agreement on labour, employment and working conditions. The Parties agree to cooperate on labour matters within the scope of this Agreement, inter alia, in relation to impacts on employment, fundamental rights at work, working conditions, social protection and social dialogue.

2. The Parties recognise the right of each Party to establish its own level of domestic labour protection as it deems appropriate, and to adopt or modify accordingly its relevant laws and policies, in a manner consistent with its international obligations. The Parties shall ensure that the rights and principles contained in their respective laws and regulations are not undermined but effectively enforced.

3. Each Party shall continue to improve those laws and policies in a manner consistent with its international obligations, and shall strive towards providing and encouraging high levels of labour protection in the aviation sector. The Parties recognise that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist purposes.

4. The Parties reaffirm their commitment, in accordance with their obligations deriving from their membership of the International Labour Organization (ILO) and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, to respect, promote and effectively implement and apply the Fundamental Rights and Principles at Work.

5. The Parties shall promote the objectives included in the ILO Decent Work Agenda and the ILO Declaration on Social Justice for a Fair Globalization of 2008 adopted by the International Labour Conference at its 97th Session.

6. Each Party undertakes to make best endeavours towards ratifying, if it has not yet done so, the fundamental ILO conventions. The Parties will also consider the ratification of other ILO conventions and consequently the effective implementation of corresponding international standards in the labour and social domain of relevance for the civil aviation sector, taking into account domestic circumstances.

7. Either Party may request a meeting of the Joint Committee to address labour issues that the requesting Party identifies as significant.

THE EU–ASEAN CATA (2022)

Article 22 Social aspects:

1. The Parties recognise the importance of considering the effects of this Agreement on labour, employment, and working conditions. The Parties agree to cooperate on labour matters within the scope of this Agreement, including in relation to impacts on employment, fundamental rights at work, working conditions, social protection, and social dialogue.

2. The Parties recognise the right of each Party to establish its own level of domestic labour protection as it deems appropriate, and to adopt or modify accordingly its relevant laws and policies, consistent with the principles of internationally recognised standards in the international conventions to which it is a party. The Parties shall ensure that the rights and principles contained in their respective laws and regulations are not undermined but effectively enforced.

3. Each Party shall continue to improve its laws and policies, and shall strive towards providing and encouraging high levels of labour protection in the aviation sector. The Parties recognise that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist purposes.

4. The Parties reaffirm their commitment, in accordance with their obligations deriving from their membership in the International Labour Organization (hereinafter referred to as "ILO") and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up adopted at Geneva on 18 June 1998, to respect, promote, and realise that Declaration.

5. The Parties shall promote the objectives included in the ILO Decent Work Agenda and the ILO Declaration on Social Justice for a Fair Globalization adopted at Geneva on 10 June 2008.

6. Each Party undertakes to make best endeavours towards ratifying, to the extent it has not yet done so, the fundamental ILO conventions. The Parties will also consider the ratification and effective implementation of other ILO conventions and international standards in the labour and social domain of relevance to the civil aviation sector, taking into account domestic circumstances.

7. Any Party may request a meeting of the Joint Committee to address labour issues and exchange relevant information that it identifies as significant.

THE EU–UKRAINE CATA (2022)

Article 14 Social aspects:

1. Subject to the transitional provisions set out in Annex III to this Agreement, the Parties shall act in conformity with their respective legislation concerning the requirements and standards relating to social aspects specified in Annex I, Part E, to this Agreement.

2. Ukraine shall adopt the necessary measures to incorporate in its legislation and effectively implement the requirements and standards referred to in paragraph 1

of this Article, in accordance with transitional provisions stipulated in Annex III to this Agreement.

3. The Parties shall cooperate to ensure the implementation by Ukraine of its legislation adopted with the aim of incorporating the requirements and standards referred to in paragraph 1 of this Article.

