

SECTORAL SOCIAL DIALOGUE COMMITTEE

FRIDAY 7 DECEMBER 2012 – 11.00 H.

DRAFT SUMMARY RECORD

INTRODUCTION

The **Chairman** welcomed all participants and gave the floor to Anne Devouche (DG MOVE) who thanked the Committee for the constructive cooperation over the past years and presented her successor in the Maritime Safety Unit, Mr Giancarlo Crivellaro. The **Chairman** bid her farewell and welcomed Mr Crivellaro on behalf of the Committee.

1. ADOPTION OF THE DRAFT AGENDA

The **Committee** approved the agenda of the meeting.

2. ADOPTION OF THE DRAFT SUMMARY RECORD OF THE MEETING OF 27.3.2012

The **Committee** approved the minutes of the SSDC Working Group meeting of 13/06/2012.

3. MATTERS ARISING

a. Onboard organisation of work and onboard communication facilities – update on the follow up to the Joint Action Plan and ECSA proposal

The **Chairman** recalled that, at the last SSDC meeting, ECSA had been entrusted with the task of drafting a new paper putting forward concrete proposals for the simplification and rationalization of a Shipmaster's tasks. In its presentation, **ECSA** stressed that this new paper should be considered as a complement to the previously adopted Joint Action Plan on administrative burden. **ETF** welcomed this new joint policy statement and expressed the need to ask for guidance from the EU competent services, notably DG MOVE, to move things forward.

The **Committee** endorsed the above-mentioned statement, and agreed to use it as a basis for their discussions with the EU competent services. It was further agreed that the two Secretariats would liaise to reflect on how to best address this issue with DG MOVE in connexion with possible other initiatives (Blue Belt, e-maritime).

b. Update on career mapping study

ECSA recalled some background information and explained that it will have the lead in this project. **ECSA** also informed the Committee that the tendering process for external expertise was still ongoing and that the project will require the active involvement of all Committee members. The **Committee** took note of the information provided.

c. Update on bullying & harassment guidelines

ETF recalled the outcomes of the previous bullying and harassment project in 2004 while mentioning also some of its shortcomings. **ETF** presented the main objectives of the new project and informed the Committee that the Kick-off meeting will take place in London on 8 January 2013, involving the members of the Project Steering Group. The **Committee** took note of this information.

d. Piracy – update

The **Chairman** first recalled the last position adopted by the Social Partners in their joint declaration of September 2012 where they stated their opposition to the idea put forward by the UK Prime Minister to ban ransom payments. **ECSA** and **ETF** welcomed the initiative of

MEP Anna Rosbach and the Danish Shipowners' Association to host, at the European Parliament, a screening of the Danish movie "A Hijacking (Kapringen)". At this occasion, participants underlined the importance of negotiations to free captives and the need to address the different "business models" put in place by pirates.

The **Committee** reached an agreement on a Joint Press Release, to be drafted by ECSA and to be sent out as soon as possible, alerting EU Institutions on the danger of downscaling naval forces in the fight against piracy. Being considered as a major outstanding issue, the **Committee** agreed that Piracy would have to be kept high in the SSDC Work Programme for the year 2013.

e. Project Horizon

At the request of ETF, the outcomes of the Horizon project were presented by Professor **Mike Barnett** of Southampton Solent University. He particularly insisted on the need to disseminate the results of the project and invited the members of the Committee to download and use the computer-based system 'MARTHA' (maritime alertness/fatigue management tool) developed in the framework of this project.

The **Social Partners** agreed on the need to go forward and promote the results of this study but could not decide concretely on what the next step should be. It was therefore decided that the two Secretariats would discuss the possible future actions to be later submitted for approval to the Committee. The Social Partners also agreed to continue their participation as stakeholders in any follow-up initiatives to the Horizon project.

f. Fair trade/fair freight in shipping – ETF proposal

ETF presented the report produced jointly by Nautilus International and SEKO (please click [here](#) to access the presentation), which notably put forward the creation of a new badging system promoting Fair Trade Transport. **ECSA** raised questions on the relevance and added value of such a system, explaining that the provisions of the Maritime Labour Convention were already dealing with some aspects covered by the fair trade/fair freight concepts, such as labour certificate and certificate of compliance and that this should be enough to guarantee a level playing field between operators at global level.

Following a heated debate, the **Chairman** concluded by inviting the ETF to present, at the next SSDC meeting, a more detailed paper answering the questions and concerns raised by ECSA. The **Chairman** also suggested placing the issue of "Corporate Social Responsibility" back on the agenda of the SSDC.

4. REPORT ITEMS

a. Working Programme for the year 2013

The **Committee** endorsed provisionally the draft biannual Working Programme for the year 2013 with the additional inclusion of piracy, fatigue and fair treatment provided that the two Secretariats would fine-tune their proposal and present a final document to be adopted at the next SSDC meeting in March 2013.

b. MLC Enforcement Directives – state of play

Ms Berg (DG MOVE) presented the political state of play for the two proposals concerned, i.e. the proposal on Flag State Responsibility (FSR) and the one of Port State Control (PSC). She notably raised the different controversial issues pending between the Council and the European Parliament (EP) on these two proposals:

- PSC proposal: she first highlighted the debate between the Council and the EP over the introduction of a legal requirement on a non-regression clause in the revised Directive. She also pointed out the idea supported by the EP of carrying out more

controls onboard ships registered in countries which have not ratified the MLC. She said that she was optimistic that a compromise would be found on these two issues. The final vote at the European Parliament should take place on February;

- **FSR proposal**: she explained that the EP rapporteur, Ms Bères, had expressed her disappointment at the many shortcomings of the initial Commission's proposal. Therefore, the rapporteur opted to rewrite the proposal in light of the provisions of the MLC. Ms Berg pointed out that the draft report gave rise to criticism by some MEPs from the EMPL Committee and that the main difficulty was lying with the introduction of the whole Title V of the MLC (creating a risk of introducing a double certification regime including an EU certifying body). The text should be adopted before the summer, she said.

Despite the different controversial issues pending between the Council and the European Parliament, Ms Berg explained that she was still confident that ultimately the European institutions would be in a position to strike a deal that would be satisfactory to all parties involved. The **Committee** took note of the information provided.

c. STCW Revised Directive – state of play

Ms Berg explained that the directive had been adopted and would be published in the OJEU in due time: the Member States will have to transpose it into their national law 18 months after the entry into force of the Directive.

Ms Berg also gave an update of the situation regarding the EU recognition of the STCW certificate of Filipino seafarers. She explained that the Commission had warned the Member States to be prepared for the worst case scenario, i.e. the withdrawal of this recognition for any new certificate issued by the Philippines. A debate followed between Social Partners on the possible options to be followed if such a withdrawal was officially decided following a negative assessment of EMSA. ECSA drew attention to the consequences / impact of such withdrawal for the shipping industry and insisted on a careful approach. **ETF** thanked the Commission for having warned Member States and for its commitment to protect and defend high quality training standards for the sake of maritime safety.

Mrs Berg also informed the Committee that the Commission will propose, next spring, a text arguing for higher safety levels in the field of passenger ship safety.

The **Committee** took note of this set of information.

d. Schengen Visa – state of play

ECSA notably recalled the difficulties encountered by third-countries nationals to obtain their visa in time, hindering the usual turnover of seafarers on board ships. Both Social Partners welcomed the active involvement of DG HOME and the Council in addressing this issue by examining different scenarios that could be inserted in the Visa Handbook in order to harmonise its implementation and interpretation at national level.

The **Committee** welcomed this positive development and said it was looking forward to the inclusion of these scenarios beginning of 2013.

e. Workshop on training and maritime certificates of excellence – Follow-up

ETF expressed its disappointment over the poor follow-up by the Commission of the recommendations of the Task Force on Maritime Employment and Competitiveness. The **Commission** explained that, as part of this follow-up initiatives, a call for proposal would be published early 2013 with the idea to create an Erasmus-type exchange programme between maritime training institutes.

The **Committee** took note of the information provided.

5. AOB

Organisation of EU Sectoral Social Dialogue meetings: new rules

DG EMPL explained that there would be only 4 meetings of the SSDC in 2013 and proposed the following dates:

- 14 March: Working Group
- 13 June: Working Group
- 27 September: Working Group
- 4 December: Plenary

The **Committee** provisionally accepted the proposed dates, bearing in mind that each date would have to be confirmed one month before the meeting.

**SSDC PLENARY MEETING
7 DECEMBER 2012 – 11.00 H.
DRAFT AGENDA**

1. ADOPTION OF THE DRAFT AGENDA

2. ADOPTION OF THE DRAFT SUMMARY RECORD OF THE MEETING OF 13 JUNE 2012

3. MATTERS ARISING

- a. **Onboard organisation of work and onboard communication facilities – update on the follow up to the Joint Action Plan and ECSA proposal**
- b. **Update on career mapping study**
- c. **Update on bullying & harassment guidelines**
- d. **Piracy – update**
- e. **Project Horizon**
- f. **Fair trade/fair freight in shipping – ETF proposal**

4. REPORT ITEMS

- a. **Working Programme for the year 2013**
- b. **MLC enforcement directives – state of play**
- c. **STCW revised directive – state of play**
- d. **Schengen Visa – state of play**
- e. **Workshop on training and maritime certificates of excellence – Follow-up**

5. A.O.B.

Organisation of EU Sectoral Social Dialogue meetings: new rules