

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT

21 DECEMBER 2017

DRAFT MINUTES

Chair: Mr George Koltsidopoulos

1. APPROVAL OF THE DRAFT AGENDA

The SSDC approved the draft agenda for the SSDC meeting of 21.12.2017, although with some changes in the order of the points.

2. APPROVAL OF THE MINUTES OF THE SSDC MEETING OF 27.06.2017

The SSDC approved the minutes of the SSDC meeting of 27.06.2017.

3. MATTERS ARISING

a. Health and safety

I. Review of Directive 92/29/EC (medical treatment on board)

DG EMPL's representative (J-W. Ebeling) referred to the Communication on the modernization of the EU health and safety legislation and policy, adopted in January 2017 by the Commission. At the moment, the Commission, also through the Advisory Committee on Safety and Health (ACSH), is working on the possible revision of six Directives, including the one on medical treatment on board.

It is planned that the ACSH will give its input on some of these Directives, including on the one on medical treatment, in May 2018, through the adoption of an opinion.

DG EMPL indicated what the process consists of, explaining that in January 2018 the dedicated experts' group will meet. DG EMPL indicated that it can take note of some specific suggestions for amendments or other input coming from the social partners. ETF and ECSA made clear that they were prepared to take part to this exercise, also on the basis of a joint Statement aimed at influencing the discussions in January and beyond.

ETF reiterated its interest in this file and the need to broadly amend the Directive instead of limiting the exercise to the annexes, also taking into consideration the fact that such a Directive was by now nearly 30 years old and that several changes (such as tele-medicine, for instance) have been developed since then.

II. Follow up of the Health and Safety report (3rd pillar of the IPWP project)

The point will be discussed in a further meeting, also due to the absence of a representative of the Bilbao Agency.

b. Training and skills

I. Skills and Career Development in the Shipping sector: the project on Blueprint on sectoral cooperation on skills

The social partners indicated that they were in the process of forming a consortium, which will enable a strong partnership. To lead the project, they selected Mr Jaap Gebraad of the STC Group, the NL consultant who worked with them in a previous project (in particular, to detect the Funds at EU level). ETF and ECSA confirmed their intention to submit a proposal for the Blueprint (deadline 28 February 2018).

The representative of DG EMPL (Felix Rohn) gave useful and general information on the call, inviting the applicants to stick, as much as possible, to the award criteria. For DG EMPL, the ownership of Blueprint at sectoral level is of paramount importance. It was also indicated the applicants can consult an online Info session that has taken place on 1 December 2017 providing them with further information on the call.

The recording of the web streaming, with the possibility to watch the video of each speaker and each presentation, and a partner search tool will stay available on the EACEA event page until the deadline for submission (28/02/2018)."

II. Education, training and certification of seafarers (STCW matters): the REFIT exercise on the evaluation of Directive 2008/106 on the minimum level of training of seafarers and Directive 2005/45/EC on the mutual recognition of seafarers' certificates by Member states

DG MOVE (S. Ekwall) referred to the stakeholder meeting on 28 November providing the results of the fitness check and indicated that this study will be published in January 2018. The study will then be followed by a legislative initiative later this year. The social partners reiterated the points they raised at this stakeholders meeting: ETF expressed some concerns supporting the Commission's idea of setting criteria for identifying new countries, while ECSA drew attention on the topic of the endorsement of third countries.

c. Home Affairs files affecting seafarers/shipping companies

DG HOME (A-M. Soerensen) indicated the state of play of several files in the home affairs. She reminded that since September last the Commission adopted a Communication on Delivery of the European Agenda on Migration and that it contains a visa part which sets out ideas on how to modernize the common visa policy and to find the right balance between migration and security.

In three years, little progress was made in the negotiations with co-legislators on the 2014 Visa Code recast proposal. The Commission's proposal was aimed at boosting growth but – among others - because of proposal coinciding with the migration crisis and increased security threat in Europe, negotiations were blocked.

The Commission came to the conclusion that the best solution is to withdraw that proposal; a new proposal will be tabled in March 2018, together with a Communication on the visa policy. The aim of the Commission is still to preserve harmonization. Social partners considered it essential to have specific rules applying to seafarers.

Although nothing is fixed on paper yet; it is, however, likely that a link could be made between cooperation to readmission and the application of certain provisions.

On the visa list, no amendments are foreseen, in the immediate future. But revisions may follow once the ETIAS, the European Travel Information and Authorisation System is in place.

In relation to the consultation on the Visa Information System (VIS), the text of the consultation is available on the website of DG HOME.

DG HOME indicated that the Regulation on the Entry-Exit System will enter into force in December 2017 after which the development of the system will start; DG HOME reiterated the fact that for the other topics it is better if the social partners invite the responsible colleagues.

Negotiations on ETIAS will continue in 2018.

ECSA thanked DG HOME and said that there are many files which are important for this SSDC. Since the revision of the Code could not be achieved, a revised proposal is welcome.

The social partners will prepare a joint submission on this file, particularly on the visa application.

The list of supporting documents should be exhaustive.

On the issue of multiple entry visas (MEVs), ECSA said that it should be conditional upon the country of origin. In fact, very few seafarers come from readmission countries. ECSA could provide the Commission the list of countries supplying labour forces.

On this file, ECSA said it is very interested in electronic advancements.

ETF commented on the fact that the fees should be paid by the ship-owners.

DG HOME indicated that the Commission favours harmonized practices and could again act on mandatory issuing of MEVs in the next proposal.

ECSA indicated that on the multiple entry-visa it could not see the link with the readmission agreement.

d. Migrants at sea

I. Stowaways on board EU flagged vessels: consideration of a possible joint initiative

ETF asked ECSA to clarify the scope of the problem and the objectives of social partners, and to differentiate between specific cases of stowaways - for which there are IMO Guidelines - and illegal migration and human trafficking which is another issue for which humanitarian aspect should be considered.

ECSA said that there is scope for a joint action on this, since there are clear breaches of port security. ECSA's position is that this matter should be included in the EU's diplomatic discourse.

ECSA added that there are now several cases of stowaways and that it will provide further information on this. It still believes that it is not acceptable that it took 4 months to remove the stowaways from the ship.

ETF said that it is prepared to call on diplomatic solutions and make use of the IMO Guidelines whilst being sensitive to the bigger political issues.

4. REPORT ITEMS

a. Reduction of administrative burdens on seafarers and ship-owners: update on joint ECSA/ETF work and the way forward (DG MOVE)

DG MOVE's representative (J. Savo) indicated that the Impact Assessment exercise is ongoing and should be concluded by the end of March; he outlined the five different policy options and indicated that legislative proposal would come in May 2018. The Commission is aware that shipbuilding industry needs this piece of legislation so that a single maritime window can be put in place.

Both ETF and ECSA stressed the need for harmonization at European level.

b. Proposal for a Council Directive to implement the SPA on the 2014 MLC Amendments: state of affairs of the EU legislative process

DG EMPL indicated that the proposal for Directive implementing the social partner's agreement was foreseen for formal adoption still this year, after the approval from the EPSCO Council on 7 December 2017.

DG EMPL indicated that the presentation from the social partners in the Council was very useful.

In relation to the points raised by the letter sent to DG EMPL (S. Olsson, Director) by the social partners, mainly on the Commission's consideration that the second amendment related to social security and social protection matters and therefore the proposal required unanimity of the Council, DG EMPL clarified that the point was already submitted to the legal service, which was in line with the legal service of the Council. A written reply to the letter will be sent soon.

ECSA thanked the Commission for the cooperation and noted that by now the Directive has been unanimously adopted.

c. Commission study on the implementation of responsibilities of labour supplying countries pursuant to the MLC, 2006

DG MOVE's representative (S. Ekwall) indicated that the Commission has presented the results of this study (published in 2016) to the SSDC on earlier occasions and that next year, in 2018, it will produce its report required under Article 6 of Directive 2013/54/EU.

ETF enquired on how the Commission intends to follow on the publication of the report and on how it will integrate the joint input of the social partners.

DG MOVE replied that it is early in the process and that the Commission for the time being is in the process of collecting information. Both ETF and ECSA reaffirmed their strong interest in this file, expressing willingness to contribute to the process in addition to the already given joint statement.

d. Second stage consultation on the revision of the Written Statement directive: update from DG EMPL

ETF and ECSA referred to the letter they sent in November 2017 to Mr Servoz, Director-General of DG EMPL, in which they stated that in order to ensure legal clarity and certainty and the avoidance of duplication and conflicts of laws, they consider that the provisions of the "Written statement Directive" should be without prejudice to the

special rules applicable to seafarers in Directive 2009/13/EC, being the lex specialis in the area and having more extensive coverage.

ETF wondered if this special provision should be included in an Article or in a recital, while ECSA reminded that the 2nd consultation phase was closed.

DG EMPL's representative (Paloma Garcia-Garcia) reminded that the Commission should adopt this week the proposal of Directive on the Written Statement. The proposal should apply to seafarers without prejudice to Directive 2009/13/EC since more detailed rules on the matter are already included in the agreement of the social partners.

e. Women in transport EU Platform for Change: information from DG MOVE

DG MOVE's representative (G. Bergot) presented the ongoing work and objectives (increase share of women and gender equality), including the newly launched platform for women in transport.

DG MOVE stressed that women only cover 22% of employment in the transport sector and reminded that Commissioner BULC engaged in gender-equality, also on the basis of a wide consultation of stakeholders to identify main issues at stake in the case of gender equality.

DG MOVE also added that a study addressing the transition to automation should be carried out in 2018 as well as a study on benefits of women's employment (to be completed by mid-2018).

DG MOVE reminded that a Platform for change has just been launched and that several partners are in it (several Member states, several social partners), with the support of the EESC. He stressed that both ETF and ECSA are part of this process.

ETF (Tonka Cupic) presented the results of a survey among women in transport (2% in the field of maritime transport) which highlighted the fact that harassment and bullying is a recurring and frequent problem; it is in fact widespread and growing.

The ETF's representative referred to the ETF campaign on "Say NO to violence", against violence on women in the transport sector.

ECSA acknowledged that despite efforts in this SSDC, violence against women is still there; it said that it stands ready to contribute further, also within the platform.

5. DATES OF THE NEXT SSDC MEETINGS

The next SSDC meetings will take place on Thursday 1.03.2018, Monday 25.06.2018 and Tuesday 9 October 2018.