



EUROPEAN COMMISSION

Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

Brussels, 18 September 2012

SECTORAL SOCIAL DIALOGUE COMMITTEE INLAND WATERWAY TRANSPORT

Minutes Meeting of 17 April 2012

1. Adoption of the agenda and approval of the minutes of the previous meeting

The meeting was chaired by Mr Lehninger (chair of the committee, workers). The agenda was adopted. The minutes of the previous meeting (15 February 2012) were approved.

2. Information from the Commission (DG MOVE)

Mr Dieter (Directorate-General for Mobility and Transport) updated the participants on developments related to the future common expert group on professional training and certification for IWT and the respective tender procedure¹. The objective was to finalise the work started by the Platina working group on future STCIN (standards of training and certification in inland navigation).

3. Agreement on working time: next steps

Ms Durst (Directorate-General for Employment, Social Affairs and Inclusion, DG EMPL) invited the social partners to send their comments on the translations of their "European agreement concerning certain aspects of the organisation of working time in inland waterway transport" by 4 May 2012. Comments should be approved by both sides of industry. The Commission would in addition check the EN and FR versions with regard to their consistency with different language versions of relevant existing legislation (such as the general Working Time Directive).

Mr Breczewski (DG EMPL) informed the participants on the next steps in the implementation of the agreement. In its letter of 2 April 2012 to the social partners, the Commission had asked the signatory parties to the agreement to provide further information on the agreement and the added value and impact of its different clauses. These elements would be necessary for the Commission in order to provide the Council (who can either accept or reject the agreement as a whole but not amend it) with a

¹ <http://ec.europa.eu/transport/tenders/doc/specifications/2012/s50-080916-specifications.pdf>

background explaining the proposal and its added value. It would be particularly helpful to know if the social partners were aware of different expected impacts on different groups of persons or on different regions/rivers/countries. The Commission's plan was to present its proposal as soon as possible.

The social partners considered that the recitals of their agreement and their letter of 16 March 2012 (requesting the agreement's implementation by way of a Council decision according to Article 155(2) TFEU) had already provided important elements. They considered that it was not possible to anticipate future necessary changes for each EU member state; however each organisation committed to send any relevant information available. It was agreed to send this information not only to the Commission but also to the other social partners.

The signatory parties discussed what they could do on their side to facilitate the implementation of the agreement, for instance to publish a small booklet to help the actors on the ground to respect the new minimum standards. But both sides agreed that it was too early to work on such a handbook now. ESO said it would only make sense when the deadline for implementation at national level was known. ETF suggested starting work on clause 12 (checks) by way of a "virtual working group". EBU proposed to consider a website instead of a booklet, which was easier to update. The parties agreed to hold a discussion on the basic structure of such a future handbook in September. Ms Durst reminded the social partners that the call for proposals "Industrial relations and social dialogue"² supported measures relating to the implementation of negotiated agreements.

The participants then exchanged information on various feedbacks they had received on the signature of the agreement, which was generally very favourable.

4. Job profiles

Mr van Reem (Edinna³) had been invited to present the state-of-play of the first two pillars of job profiles and to inform on the next steps with regard to the establishment of STCIN. Due to a misunderstanding, the invitation of Edinna and the detailed draft agenda prepared by Ms Chaffart (ETF) and Ms Wenkel (EBU) was not known to all social partner organisations and to the Commission. Edinna's presentation was related to point 2 of the social partners' work programme. The Q&A focussed on the mutual recognition of qualifications, the involvement of member states in the definition of competencies and curricula and the concrete implementation of the results on the ground.

5. Social security coordination

After the CASS meeting of 29 March 2012, EBU had proposed in its e-mail of 13 April to look jointly at a number of questions related to the term "Betreibergesellschaft" (DE) – "société exploitante" (FR) – "exploitant" (NL). After some discussion, the parties came to the conclusion that the criteria of CASS decision n° 7 (26 June 2007)⁴ were quite clear. They decided to respond jointly to CASS by referring to that decision and by

² <http://ec.europa.eu/social/main.jsp?catId=630&langId=en&callId=334&furtherCalls=yes>

³ <http://edinna.eu/>

⁴ Available in DE, FR and NL at: <http://www.ccr-zkr.org/12050300-fr.html>

sending a copy of the social partners' Joint Declaration concerning Social Security Provisions in Inland Waterways Transport (14 August 2009).

ETF wondered whether other EU member states could join the Article 16 derogation agreement concluded in December 2010 between the six CASS members⁵. In their work programme (point 4), the social partners aimed at establishing a uniform legal framework for social security. Several delegates stressed that the problem was not specific to CASS; around 30% of the IWT workforce was not covered by the above-mentioned derogation agreement. EBU considered that the CASS agreement could be a starting point for a wider discussion on uniform rules. However, the purpose of the CASS agreement was not to achieve uniform rules (i.e. the same level of protection) but to determine which national social security regime applied to which worker. ESO asked to make a clear distinction between cases of misuse (circumvention of rules) and cases which were difficult to verify and should be looked at into detail. For ETF, it was crucial that all workers on board a ship be covered by the same rules.

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⁵ Also available at: <http://www.ccr-zkr.org/12050300-fr.html>

Participants 17.4.2012

Employers (4 ♂, 1 ♀)

EBU

Mr Koning (NL)

Mr Naaborgh (NL)

ESO

Ms Beckschäfer (DE)

Mr Kester (NL)

Mr Van Lancker (BE)

Workers (9 ♂, 3 ♀)

ETF

Mr Bleser (LU)

Mr Bramley (ETF)

Ms Chaffart (ETF)

Mr Jerabek (CZ)

Mr Jung (LU)

Mr Kerkhof (BE)

Mr Kerkhofs (BE)

Mr Kronbergs (LV)

Mr Lehninger (AT)

Ms Latron (FR)

Mr Pauptit (NL)

Ms Yordanova (BG)

European Commission

Mr Breczewski (DG EMPL)

Ms Durst (DG EMPL)

Mr Dieter (DG MOVE)

Others

Ms Tournaye (CCNR)

Mr van Reem (Edinna)