



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

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

Brussels, 5 December 2012

**SECTORAL DIALOGUE
COMMITTEE
RAILWAYS**

Concise minutes of the Steering Committee meeting

27 March 2012

The meeting was chaired by the co-chairman of the committee, Mr Gamez Ramirez (workers). The agenda was adopted. The minutes of the meeting of 21 November 2011 (steering committee) were adopted.

(1) Information by DG Mobility and Transport (DG MOVE)

DG MOVE officials from the Units "Single European Rail Area" and "Legal Matters" informed the participants on the preparatory work for the future 4th railway package (opening of the domestic passenger market and future role of the European Railway Agency as announced in the White Paper)¹. The DG EMPL representative reminded the parties that the Commission's Impact Assessment Guidelines contained standards for consulting European social partners, amongst others the obligation to consult European sectoral social dialogue committees in cases where the Commission initiative could be expected to have social implications for the sector(s) concerned².

DG MOVE presented in detail the impact assessment of the 4th package.

DG MOVE explained that an on-going external study carried out by the consulting firm Steer Davies Gleave (SDG) was to be finalised in June to serve as a basis to the Commission's impact assessment which would be drafted during the summer³. SDG had been entrusted with the task of organising the consultation of stakeholders, including trade unions in all Member States. DG MOVE indicated that a stakeholder workshop would be organised on 29 May. DG MOVE invited stakeholders to send replies to the questionnaire and participate in the stakeholder workshop. The SDG study and other

¹ See "roadmap" at:

http://ec.europa.eu/governance/impact/planned_ia/docs/2012_move_002_rail_market_access_en.pdf

² See brochure "Consulting European social partners: Understanding how it works" at

<http://ec.europa.eu/social/main.jsp?catId=522&langId=en>

³ The terms of reference of the study - containing the different options assessed during the impact assessment - were sent to the social partners after the meeting.

studies/input from stakeholders would then feed into the Commission's impact assessment accompanying the future proposals.

DG MOVE exposed in detail the options that were currently being considered. The baseline scenario would be based on the 3rd railway package and the PSO Regulation. All options considered provided for open access for domestic passenger rail services co-existing in varying degrees with PSOs. Concerning competitive tendering for PSOs, the options ranged from systematic competitive tendering to limits according to specific thresholds. Finally, the options also addressed framework conditions and various degrees of unbundling.

The parties addressed some practical issues with regard to the on-going on-line consultation/questionnaire (the hyperlink to the sub-part on social impacts, including the questions on transfer of staff, seemed not work) and the stakeholder interviews planned for May. CER considered that it was difficult to answer a number of specific questions since the impact would depend on the choices the relevant authorities would make (and were not known yet). The DG MOVE representatives acknowledged that this was a methodological challenge and that the consultant was therefore asked to also do a qualitative analysis based on case studies. ETF wished to know which countries were studied in detail in order to alert their affiliates that they would be contacted by the consultants. DG MOVE indicated that 8 Member States with and without prior experience on market opening of their domestic rail services had been selected (CZ, DE, HU, FR, IT, PL, SE, UK) and stressed that they had instructed SDG to meet all relevant parties in those countries and invited the social partners to send contacts of potentially missing organisations. The social partners agreed to send contact details of their members for the countries concerned.

ETF suggested contributing as social partners/social dialogue committee to the impact assessment and to have an exchange with the employers' side on this. On the workers' side, delegates deplored that the questionnaire reflected a liberalisation dogma which was not convincing in view of the expected harmful social impacts (including workers' health).

ETF also expressed their doubts whether the modification of the PSO Regulation – which took years to be adopted and contained transitional periods until 2019 – was realistic. In this context, the workers' side referred to the principle of subsidiarity on how to organise services of general interest which was guaranteed by the Treaty. The DG MOVE official in charge specified that it was not the Commission's intention to substantially amend the PSO Regulation; however, the Commission would assess the impacts of a confined, well targeted amendment of the regulation which would lead to the application of the general principle for the award of public service contracts (competitive tenders) to the rail sector as well.

CER delegates wondered whether the harmonisation of the award of contracts would include criteria for social standards, which was considered as prerequisite for fair competition. The DG MOVE representative confirmed that this aspect would be looked at in the framework of the impact assessment.

(2) Preparation of the plenary meeting

The DG EMPL representative reminded the social partners that it would be possible for one Croatian delegate per side of industry to attend the plenary meeting.

The employers informed ETF that SNCF together with CER would organise a workshop on "The evolution of EU railway policy and social issues: which impact and accompanying measures" on 19 June, just before the sectoral dialogue committee's plenary meeting planned for the same day. This could only work if the social partners skip their internal preparatory meetings which usually take place before the joint meeting starts at 11.00 hrs. ETF principally agreed with the proposal to attend the workshop between 9:00 and 10:30 hrs. However the workers' side had not yet seen the benchmark study on social issues in the rail sector commissioned by SNCF.

Regarding the possible items for the plenary meeting, the employers' side confirmed that they would present their proposal on a joint study on the protection of staff in case of change of operator. CER stressed that the inclusion of quality criteria in the title of the study would go too far. Looking at social criteria was possible if article 4.5 of the PSO regulation was applied. But analysing quality criteria should not be within the scope of the social partners' study. ETF replied that the protection of staff was one important but not the only aspect of social criteria. Social criteria were essential to ensure a level playing field (see recital 17 of the PSO regulation). The workers' side suggested to include quality criteria to avoid that article 4.5 is only related to transfer of staff. In ETF's view, quality criteria could also be social criteria. CER retorted that this depended on the choice of the tendering authority. An EU-wide level playing field was not considered as realistic given that collective bargaining did not take place at EU level. There was no agreement on the title of the study. Further discussions would follow after CER's HR directors' meeting in May.

The social partners agreed to invite the European Railway Agency. Besides the agency's work programme for 2013, the points to be addressed would be: social partner consultation on staff competences; periodicity of psychological exams; linguistic requirements; certification of other on-board personnel.

DG MOVE should inform on their work on single wagon load to allow the social partners to discuss the issue amongst them (the DG MOVE representative announced that a study would still have to be launched and there would be no information available yet in June). DG MOVE should also give information on the drivers' licence and an update on the work related to the 4th railway package.

Another point on the agenda would be the presentation of the outcome of the joint project WIR (Women in Rail).

The parties agreed that there would be no time to include a presentation/discussion of the Eurofound study on "Restructuring of the sector and labour market trends" (not yet publicly available).

(3) Information by DG Employment, Social Affairs and Inclusion (DG EMPL)

Ms Durst from the Social Dialogue Unit gave information on recent developments: Croatia now being an acceding country; the adoption of the cross-industry social partners' work programme 2012-2014⁴; and the Commission's recent proposals on posting of workers⁵.

(4) Any other business

Next planned meeting dates 2012:

- Tuesday 19 June - plenary
- Thursday 18 October - working group I and working group II
- Wednesday 5 December - steering committee

Participants 27.3.2012

Employers (3 ♂, 3 ♀) CER Ms Grau (FR) Mr Inglese (IT) Mr Olofsson (SE) Mr Preumont (CER) Ms Streichert (DE) EIM Ms Malheiro	Workers (6 ♂, 2 ♀) ETF Mr Albertazzi (ETF) Mr Bartl (DE) Mr Gamez Ramirez (ES) Mr Gobé (FR) Ms Marzola (IT) Mr Piteljon (BE) Mr Tauchner (AT) Ms Trier (ETF)
European Commission Mr Coppens (DG MOVE/B.2) Ms Durst (DG EMPL/B.1) Mr Fajardo (DG MOVE/B.2) Mr Grillo (DG MOVE/B.2) Mr Scherp (DG MOVE/A.5)	

⁴ https://circabc.europa.eu/d/d/workspace/SpacesStore/b4be9513-7f7e-4080-b15e-c88879e0aa91/ci_wp_2012_2014_en.pdf

⁵ <http://ec.europa.eu/social/main.jsp?langId=en&catId=471&newsId=1234&furtherNews=yes>