



**Working party meeting
27 March 2007
Minutes (adopted on 21 June 2007)**

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

The meeting was chaired by Mr Koning (employers). The agenda was adopted. The minutes of the previous meeting (5 February 2007) were approved.

2. Job profiles and vocational qualifications

Whereas the Netherlands' study on job profiles in Europe was still not completed, the abridged version of the final report on the Danube study ("Job profiles in inland navigation in the Danube region") was now available. So as not to have to wait an unnecessarily long time for the forthcoming translation of the Netherlands' study, it was agreed to take note of the report as soon as it was available in Dutch. A small joint working group would then examine and evaluate all the available documents in order to prepare a structured discussion by the working party as a whole.

3. Working time

Two documents were available in various languages: a sheet with the definitions of "working time" proposed by EBU and ETF and the synopsis provided at the previous meeting on the various proposals for a possible agreement.

EBU proposed a slight amendment to the definition of working time. Both sides agreed with this new definition (translations annexed):

"Within the meaning of this Agreement, the term "working time" means time during which the crew member is, as instructed by the employer or his representative, carrying out work on, to and for the vessel, has been detailed for work or has to remain ready for work."

However, the question was raised once again as to whether the term "worker" should be used instead of "crew member". As there was still no agreement about who exactly was to be covered by the Agreement (see the differences in the comparative table in section 2.c), the question was left open. It should be ensured, however, that in principle there would be uniform use of definitions and terms in any further work.

It still had to be clarified whether the Agreement was to cover family workers with no employment status under social law and all persons on board (i.e. for example kitchen and service personnel, except for self-employed entertainers on board). In ESO's opinion, entertainers were clearly excluded – this view was shared by EBU and ETF. In the recitals a reference could nevertheless be made to the situation of self-employed persons. EBU commented that not all cases could be covered and that initially efforts should be restricted to finding a small-scale solution; moreover, EBU's terms of reference did not include non-navigational personnel. ETF informed the participants that in some Member States non-navigational personnel came under the same collective agreement as navigational personnel, whereas in other Member States there were different arrangements for these groups of persons.

The Commission representative asked the social partners to draw up a list of the persons to be covered, on the basis of which the DG's labour law and health protection/safety experts could examine whether these groups of persons could be covered by an agreement between the social partners. ETF asked EBU and ESO to draw up a list of the persons that were not to be included. EBU proposed the following definition: "This Agreement applies to all crew members of an inland waterway vessel with the exception of the employer." ESO could only give an opinion on this definition if the term "crew member" was clearly defined (for ESO this meant a worker). The term "minimum crew" put forward by EBU, which did not exist in law, was debatable too. As there was still a need for consultation between EBU and ESO, the employers' organisations were asked to submit a joint proposal within three weeks. It was agreed that a consensus in the question of the scope of the Agreement was absolutely essential in order to enter into more detailed negotiations. The question ought, however, to be resolved once and for all after two years of discussion. It was decided to try to do this in a small working group. The date of 10 May was proposed for a meeting (without interpretation), which would also serve to prepare the discussion on the subject of job profiles properly.

4. Work programme 2007-2008

The next work programme was discussed on the basis of the work programme for 2005-2006. It was agreed to coordinate the tasks assigned to the social partners in the NAIADES action programme with the work programme and to update the timetable for the individual points. ETF said it was willing to make proposals to this effect. The work programme was to be adopted on 21 June.

5. Next meetings

The remaining ordinary meetings in 2007 were scheduled for: 21/06 (plenary meeting; agenda: election of the next Chair and Vice-Chair, adoption of the work programme, exchange of views with DG TREN on NAIADES), 10/10 and 28/11.

List of participants 27.3.2007

<p><u>Employers:</u></p> <p>EBU: DALAISE, Jean-Francois DÜTEMEYER, Gunter GRULOIS, Philippe KONING, Michiel NAABORGH, Jacques</p> <p>ESO: BECKSCHÄFER, Andrea VAN LANCKER, Christiaan VELDMAN, Jan</p>	<p><u>Workers:</u></p> <p>ETF: BLESER, René BRAMLEY, Nick CREASE, Richard HERTOGS, Beatrice KARAVATCHEV, Rossen (observer) LALAK, Vladimir LEHNINGER, Gunter VAN DER ZEE, Jan WEICKER, Raymond</p>
<p><u>European Commission:</u></p> <p>DIETER, Rolf (DG TREN/G.2) DURST, Ellen (DG EMPL/F.1)</p>	

Definition der Arbeitszeit 27.3.2007

Im Sinne dieser Vereinbarung bedeutet der Ausdruck "Arbeitszeit" die Zeit, während der das Besatzungsmitglied auf Weisung des Arbeitgebers oder seines Vertreters Arbeit auf, am und für das Schiff ausübt, zur Arbeit eingeteilt ist oder sich zur Arbeit bereithalten muss.

Definition of working time 27.3.2007

Within the meaning of this Agreement, the term "working time" means time during which the crew member is, as instructed by the employer or his representative, carrying out work on, to and for the vessel, has been detailed for work or has to remain ready for work.

Définition du temps de travail 27.3.2007

Aux fins du présent accord, l'expression «temps de travail» désigne le temps durant lequel le membre d'équipage effectue, sur instruction de l'employeur ou de son représentant, un travail à bord du navire, sur le navire et pour le navire, a reçu l'ordre de travailler ou doit se tenir prêt à travailler.

Definitie van arbeidstijd 27.3.2007

In de zin van deze overeenkomst wordt onder "arbeidstijd" verstaan de tijd gedurende welke het bemanningslid, volgens de instructies van de werkgever of zijn vertegenwoordiger, arbeid op, aan en voor het schip verricht, is ingedeeld om te werken of zich gereed moet houden om te werken.