



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

SECTORAL DIALOGUE COMMITTEE INLAND WATERWAY TRANSPORT

Meeting of the Working Party held on 2 October 2006 Minutes (adopted on 5 February 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 and it was decided to defer detailed discussion of occupational profiles to the next meeting. The minutes of the previous meeting (10 May 2006) were approved, subject to some minor amendments.

2. Occupational profiles and qualifications

The participants noted the lack of progress on this item. The documents which needed to be studied were:

- information on Eastern European countries collected by the Commission in 2005;
- a study undertaken by the Flanders Social and Economic Council (www.serv.be);
- the Netherlands study on occupational profiles in Europe (by ISEO Consult; not yet complete);
- a brief study on the Danube (expected by the end of the year).

It had not been fully clarified whether the social partners preferred harmonisation of occupational profiles with a view to recognising vocational training, or harmonisation of types of training. In Germany, the occupational profile was already available in three languages. The Netherlands study was still incomplete because some countries had not yet checked the data. A further meeting, to be attended by Ms Freling, would be held in the Netherlands the following week. It was decided to place discussion of this item on the agenda for the meeting of 10 November.

3. Working time

The European Federation of Transport Workers (ETF) submitted a document on this subject, which sought to list the various items on which the social partners were in agreement:

- (1) The aims of sectoral regulations on working time: health and safety at the workplace, ensuring transport safety, preventing unfair competition (see minutes of the meeting of 8 December 2005)
- (2) The seamen's agreement was considered a good basis for discussion (see the minutes of the meeting of 10 May 2006)
- (3) The maximum duration of daily and weekly working time was defined.
- (4) A 12-month reference period was fixed.

The ETF and EBU noted that these items had been accepted unanimously. The ESO thought this premature: it wanted to ensure first of all that the widely accepted formula "one week sailing, one week leave" was being adhered to in practice. For the ETF, the problem was that the formula "two weeks sailing, one week leave" was often applied. In order to ensure balance on long-distance routes, solutions along the lines of "three weeks sailing, three weeks leave" should be adopted over a one-year period.

This solution would be especially interesting for workers from Eastern Europe who were posted by agencies. It was pointed out that sailing time was not the same as working time. This involved working time necessary for navigation. The ETF maintained that the maximum 48-hour working week was being exceeded. A 48-hour maximum working week should be applied, with working time being evenly distributed throughout the year. The EBU said that the traditional regulation of inland waterway traffic had not been possible since the seamen's agreement had come into force. It pointed out that the maritime transport sector did not have any rules of the "one week/one week" type. It was therefore important to examine how the inland navigation sector should apply paragraph 5.1 (Hours of work and hours of rest) of the seamen's agreement.

After separate discussions, the participants looked at the question of "annual working time" and "availability times". Austria's method of applying the rules was cited as an example. In that country, the captain was responsible for allocating working time to the workers, who had to work a fixed daily block of 12 hours, including availability time. At the opposite end of the argument, some members thought that availability time was the same as working time, in accordance with the European Court of Justice's interpretation of general Directive 2003/88/EC relating to working time. Directive 2002/15/EC (on the organisation of working time in the road transport sector) contained distinct definitions of "working time" and "availability time". The social partners agreed to comply with current practice and try to give it a legislative framework.

The ETF asked the employers to submit a written proposal, which would be examined on 10 November.

4. Forthcoming meetings

The next meeting would be held on 10 November, from 9.30 a.m. to 1 p.m.. One Bulgarian and one Rumanian observer from each side (employers and employees) could attend. The meetings to be held in 2007 would be arranged in agreement with the secretariats. It should normally be possible to organise additional meetings if the social partners made joint written requests to that effect.

Attendance list for the meeting of 2 October 2006

<p><u>Employers:</u></p> <p>EBU: DALAISE, Jean-François DÜTEMEYER, Gunter KONING, Michiel NAABORGH, Jacques</p> <p>ESO: BECKSCHÄFER, Andrea VELDMAN, Jan</p>	<p><u>Employees:</u></p> <p>ETF: BLESER, René BRAMLEY, Nick BRANNSTRÖM, Thomas DIMITREVICH, Alexander (observer) HERTOGS, Beatrice JERABEK, Milan LAMERS, Lucy LEHNINGER, Gunter VAN DER EEZ, Jan WEICKER, Raymond</p>
<p><u>Commission:</u></p> <p>DIETER, Rolf (DG TREN/G.2) DLOUCHY, Dorota (DG EMPL/F.1) DURST, Ellen (DG EMPL/F.1)</p>	