



EUROPEAN COMMISSION  
Employment, Social Affairs and Inclusion DG

Employment & Social Governance  
**Social dialogue**

**SECTORAL SOCIAL DIALOGUE  
COMMITTEE  
INLAND WATERWAY TRANSPORT**

## **Minutes Working Group Meeting of 26 October 2020**

The meeting was chaired by Mr Gerard Kester (ESO).

### **1. Adoption of the agenda**

The agenda was adopted.

### **2. Adoption of the minutes of the last meeting (15 January 2020)**

ETF asked to add to the minutes a reference to the informal meeting of 11 May particularly with regard to the impact of the Covid-19 crisis. The minutes were approved, including this change.

### **3. Information from CESNI and CCNR**

A brief overview of the state of play of CESNI and CCNR activities was presented, such as in the context of COVID to ensure continuity as well as on the automation process (CCNR Resolution of 23 March 2020, measures to facilitate free movement of workers, examination procedures, June Resolution on the lessons learnt from the Covid-19 crisis, revision of CESNI work programme, focus on e-learning activities and evaluation of its effects, model examinations of the operational and management level, discussion on eco-effective navigation, work on a new Regulation for personnel navigating on the Rhine, upcoming Report on the labour market, future work with social partners on the Roadmap on European Crew Regulations). The next Plenary of CCNR is scheduled for December 2020.



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### **4. Update on the follow up of the TASCs Project**

Social partners continue to work on the follow-up of the TASCs project, for a Sustainable Crewing System" and the roadmap for European Manning Regulation. There are two essential aspects on which actions need to be taken: manning and time registration. The next meeting will take place on 3 November 2020.

On manning and the Roadmap that will lead to a potential new Regulation, there are six documents

in preparation, concerning the vessels (type), the technical features of the vessels, and analysis of flexibility (of applicable rules), the specific Working Time Directive and the issue of apprentices. ETF believes that the process will be quite difficult from a legal perspective, but work is well advanced. ESO welcomes the early agreements in the discussions on the Roadmap and looks forward to further work. They stressed the importance of assessing all manning regulations so far and compare them with other regulations, take into account the regional level and the opinions of the industry.

## **5. Social Security in European Waterways**

### **a. Update on the restart of the working group on Social Security in European Waterways.**

Next meeting is scheduled for 5 November, to review the state of play and consider next steps. The formal start of the Working Group on Social Security was on 28 February 2020. On 2 June 2020 the social partners addressed a letter to Commissioner Valean and Commissioner Schmit, communicating their position on the Coordination of Social Security in Europe and Fitness check on Market access legislation.

### **b. Preview on the meeting of the CASS**

The next meeting of the CASS is scheduled for 20th November. The European social partners have requested jointly to look into the various court decisions of the European Court of Justice. The main aim is to come to a unique definition of an employer and an operator, in order to establish the genuine link between, the employer or the operator and the applicable Social Security legislation.

### **c. Next Fair Working Conditions meeting River Cruise sector in Europe**

The River Cruise Group met on 21 January 2020 and on 28 February 2020. At first, the group aimed to establish a common understanding between the EU Social Partners and IG River Cruise on the carrying principles of the harmonisation of social security as they were outlined in the Common conclusions of June 2019. Further negotiations were prolonged due to the Covid-19 pandemic and should be concluded by September 2021.

## **6. The social dimension of automation in European IWT**

Ms Blom presented the discussions in the IWT Platform Social and Education (see ppt.).



appendix Aut P 6  
Blom.pptx

The social partners pointed to opportunities to improve the attractiveness of the profession. They referred to the DG MOVE study on automation.

DG MOVE also provided an update on the study on automation; based on the results, it will further be assessed if specific actions on transport sector would be needed.

Social Partners pointed out the need to clarify roles in this discussion and suggested to invite Ecorys to one of the next SSDC meetings to give a more in depth presentation, in order to identify major points of attention. The social partners are also partners in the new Platina 3 project that has a dedicated work package on “Jobs & Skills” as a pro-active glance on the future.

## **7. IWT Legislative fitness check**

DG MOVE informed about two fitness check studies being launched, one on market legislation, the other on social aspects (posting of workers and derogation agreement for Rhine boatmen in the field of social security). At the moment the tendering for an external expert is still ongoing. Aim is to start formally in January 2021. Progress reporting will be done on a regular basis towards the Commission Expert Group of Social Affairs.

## **8. Registration of working time**

- a. Judgement of the court on registration working time 14.05.19**
- b. Article: Employers must register working time**
- c. STF19\_23 en (Ruling by the Court of Justice of the European Union (CJEU) Member States' obligation concerning working time records)**

The social partners discussed the implications of the ECJ ruling, in case C-55/18, Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SA. ETF stated that they are in favour of a digital system for working time registration. For them, automated recording of working time should allow more uniform recording, it would contribute to avoiding an unlevelled playing field.

The employers stressed that the ECJ ruling is not prescriptive on how the working time should be recorded as long as the system is reliable and accessible; for them, the type of registration is up to the employers.

The social partners decided to continue the discussions in a smaller working group, on an objective, reliable and accessible registration of working time.

## **9. Information by the Commission on:**

### **a. Implementation of the working time directive**

DG EMPL presented briefly the state of play on the implementation of the Directive 2014/112/EU. All Member States have declared that the transposition is complete and nine Member States argued the existence of geographical reasons not to transpose the Directive.<sup>1</sup> The national transposition measures are under examination by the Commission. The Commission has also started the process of contacting Member States that have declared the existence of geographical reasons not to transpose the Directive.

The social partners stressed their concerns with the (lack of) implementation of the Directive in certain Member States and insisted that the Commission speeds up its assessment.

### **b. Directive professional qualifications – update**

DG MOVE provided an update on the state of play of the work in implementing Directive (EU)

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32014L0112>

2017/2397 (a number of standards remains to be adopted in the next year, deadline for implementation is January 2022).

**c. Information on horizontal developments**

The Commission (DG MOVE) informed the participants with regard to several horizontal developments relevant to the field: new initiatives under the Green deal, the Mobility strategy expected in December 2020, Naiades III planned for 2021, Green Lanes Communication on 28 October 2020.

**d. EU initiative on digital tools**

DG MOVE informed that the digital tools initiative is postponed until Q3 2021. A question is whether to include working time recording in the e-tool. The social partners have difficulty to agree to such an approach. The Chair insisted that social partners should come with a proposal on how to harmonise ways to register. Social partners agreed to share their views on the subject.

**10. Agenda next SSDC IWT meeting**

The social partner will agree on the agenda of the next meeting and communicate in due time.