

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT

THURSDAY 7 MAY 2015 – 11.00 H.

DRAFT MINUTES

1. APPROVAL OF THE DRAFT AGENDA

The SSDC approved the draft agenda for the SSDC meeting of 7.5.2015, as circulated with C-8871 of 20.4.2015.

2. APPROVAL OF THE MINUTES OF THE SSDC MEETING OF 5.3.2015

The SSDC approved the draft summary record of the SSDC meeting of 5.3.2015, as circulated with C-8871 of 20.4.2015.

3. MATTERS ARISING

a. Amendments to the ILO MLC – Discussion of the Commission's response

On the invitation of the Chairman, DG EMPL explained the reasons for the delay in answering the questions raised by ECSA/ETF in their letter of December 2014.

DG EMPL underlined that the social partners – if they wish so – can already start with the negotiation process and recalled that the final agreement should be submitted to an impact assessment by the Commission services and should get formal approval by the Member States.

ECSA suggested having a small meeting with DG EMPL once the Commission's response to the ECSA/ETF letter will have been circulated.

In response to a question from ETF, DG EMPL clarified that the study on the social partners' representativeness is ongoing and it will take some time but it should not refrain ECSA and ETF from starting with the negotiation process.

Finally, DG EMPL informed the social partners that they would be able to receive EU funding for their travelling and meeting arrangements. The best way to obtain such funding would be via a project in the context of the annual "social dialogue" projects.

The SSDC agreed to have an informal meeting with the Commission services once the Commission's response to the ECSA/ETF letter with legal questions would have been received. The SSDC also agreed to start with the negotiation process for a new social partners' agreement without waiting for the outcome of the Commission's representativeness' study.

b. Exclusions of seafarers – Latest developments

On the invitation of the Chairman, ECSA advised on the latest developments in the Council of Ministers and in the European Parliament. Triologue discussions had taken place amongst these two institutions and a compromise, taking the joint ECSA/ETF agreement as a basis, had been agreed upon. This compromise agreement should now go for formal approval to the European Parliament and then to the Council of Ministers.

ETF welcomed the adoption of a compromise agreement by the two institutions and underlined the importance of the social partners' willingness to find an acceptable compromise amongst themselves first. It reflects the spirit of a good social dialogue.

DG EMPL acknowledged the good spirit of the social dialogue amongst the social partners in maritime transport and confirmed that the adoption of the compromise agreement amongst the European Parliament and the Council of Ministers will now be a procedural formality.

ETF enquired whether the recently launched Commission initiatives as regards the Directive on Information and Consultation and the Directive on European Works' Councils would have any (adverse) impact on the agreement between ECSA and ETF on the social exclusions and nearly formally endorsed by the Council of Ministers and the European Parliament.

DG EMPL clarified that these two initiatives would not have any impact on the joint ECSA/ETF agreement on social exclusions and are merely aimed at aligning definitions laid down on these two texts.

The SSDC agreed that the two Secretariats should write a letter to both DG EMPL and DG MOVE underlining the need not to jeopardize the joint ECSA/ETF agreement on social exclusions with the two recent Commission initiatives on the Directives on Information and Consultation and on European Works' Councils.

c. Mid-term maritime strategy review – State of play

The Chairman recalled that the two Secretariats had been tasked to find a joint agreement on the Commission's mid-term maritime strategy review. Work is in progress but the two secretariats need to fine-tune the draft and this takes more time than expected.

ETF advised that the SSDC bi-annual work programme had been taken as a starting basis for preparing the joint paper but ETF felt that more efforts were needed in terms of jobs and employment. In the context of the Commission President's and Transport Commissioner's agendas, which both take job creation as a key point for their mandate, the joint paper should reflect this point in a much clearer manner. Moreover, during the European Shipping Week, shipowners had underlined the need for jobs for EU seafarers repeatedly.

ECSA acknowledged that more time would be needed before finalizing the joint paper.

DG MOVE informed about the latest developments in terms of submissions received so far and studies being carried out in the context of this exercise. In the autumn, DG MOVE plans to issue a progress report and/or staff working document for the Council of Ministers and the European Parliament. Time being, there is no plan to issue a Commission Communication as yet.

The SSDC agreed that the two secretariats need more time in order to finalize a joint ECSA/ETF position paper.

d. Project proposal for negotiating the ILO MLC amendments and for seeking external advice on existing EU funding programmes on apprenticeship and training.

ETF explained the background and content of the project proposal. The project would concentrate on three different chapters:

- A chapter dealing with the negotiation of a social partners' agreement to transpose the latest ILO MLC amendments into EU law
- EU funding for apprenticeship and training
- EU funding for a study on health and safety issues.

The SSDC took note.

e. Schengen Visa Code – Latest developments

The Chairman advised that an agreement had been reached amongst the two secretariats on a joint ECSA/ETF position paper on the Commission's proposal for a Regulation modifying parts of the Schengen Visa Code. This proposal was published in April last year. The joint ECSA/ETF position paper was sent to the Latvian EU Presidency and to the Rapporteur and shadow Rapporteurs in the European Parliament.

Discussions are ongoing in the Council of Ministers and have only started recently in the EP Committee on Justice and Home Affairs.

The SSDC took note.

f. Administrative burdens for seafarers – State of play of Commission's work and of the establishment of the E-MAR Forum

DG MOVE advised that, contrary to its initial plans, it would no longer launch an e-MAR Forum to discuss administrative-related matters. This was the result of a decision taken at the highest political levels. Instead, a Digital Transport Logistics' Platform

(DTLF) would be launched soonest to discuss such issues in the wider context of transport logistics or the supply chain. ECSA and ETF would be invited to participate in the discussions of the DTLF. To that end, a call for interest would be launched in June.

ETF and ECSA shared the view that this approach was very disappointing and criticized the fact that DG MOVE had failed so far to give a written follow-up to the joint ECSA/ETF action plan and joint declaration on administrative burdens for seafarers. Both associations reiterated the fact that shipping is still in a disadvantaged position compared to other modes of transport and the administrative burdens faced with by shipping companies have also an impact on the working conditions for seafarers onboard merchant ships.

The SSDC agreed on the need to deal with this matter in a serious manner.

4. REPORT ITEMS

a. Migrants at Sea

ETF drew attention to the difficulties experienced by seafarers and shipping companies with migrants in the Mediterranean Sea and underlined the need for policy-makers to take the appropriate measures to tackle this phenomenon. ETF felt that the work that had been done by merchant shipping so far should be recognized by policy-makers and underlined that migrants at sea is not solely a border issue but a humanitarian crisis.

ECSA advised that an industry-wide letter, sponsored by ICS/ITF/ECSA/ETF had been sent to the relevant Commission services to raise their awareness on the phenomenon and the role that had been played by merchant shipping so far. At the same time, ECSA reiterated that merchant ships can help in rescuing people but merchant alone are not the solution.

DG EMPL advised that their colleagues from DFG HOME had acknowledged the receipt of the joint industry letter and stressed that a dedicated Commission strategy would be issued in June, taking into account the conclusions from the Special EU Summit in April 2015. If need be, DG EMPL could facilitate a meeting between the social partners and DG HOME on this matter.

The SSDC took note.

b. Piracy

ECSA advised about the successful workshop on piracy, organized by DSA during the European Shipping Week. ECSA thanked Mark Dickinson for having participated in this workshop and for his excellent presentation.

ETF thanked ECSA for the invitation to attend the workshop and informed that the presentation during the workshop had been based on experiences received from

piracy victims. At the same time, ETF drew attention to serious difficulties experienced by seafarers operating in the region of West-Africa and enquired whether such seafarers benefit from the same protection as seafarers operating in war areas.

The SSDC took note and agreed to keep this issue on the agenda.

c. Ebola

ETF referred to the joint ECSA/ETF letter on Ebola and underlined that this disease remains a problem for seafarers operating in the regions affected by it. ETF enquired whether the joint letter had been disseminated amongst the relevant services within the European Commission.

DG EMPL advised that it would check whether the joint ECSA/ETF letter on Ebola had indeed been disseminated amongst the relevant Commission services.

The SSDC took note.

d. Representativeness' study

DG EMPL recalled that both the Council of Ministers and the European Parliament have the possibility to scrutinize the representativeness of social partners at EU level. Hence, the European Commission is tasked to carry out – through the European Foundation for the Improvement of Living and Working Conditions (Eurofound) -a study, on a regular basis, on the representativeness of all EU social partners, including ECSA, ETF and their respective membership. Such study takes time but it should not hamper ECSA and ETF in moving forward in areas of common interest.

Both ECSA and ETF took note of this information and acknowledged that this study is merely a procedural matter. They reiterated the fact that the representativeness of both associations had not been questioned during the discussions with the Council of Ministers and the European Parliament on social exclusions.

DG EMPL asked the two secretariats to check with their respective membership whether they had already been approached by the network of national correspondents of Eurofound or not and to keep them up-to-date.

The SSDC took note of this information.

5. AOB

Better Regulation Communication

At the request of the social partners, DG EMPL gave an update on the latest developments as regards the Better Regulation Communication of First Vice President

Frans Timmermans. The Communication is in full preparation and is expected to be published mid-May 2015.

ETF and ECSA underlined the need for the European Commission to avoid that this Communication would hamper the possibility for social partners to negotiate social partners' agreements. The fact that social partners are willing and capable of adopting social partners' agreements should be considered as better regulation as well.

The SSDC took note.

Conference on "a social agenda for transport of 4.6.2015"

The SSDC took note of the organization of a conference entitled "a social agenda for transport", which will be held in Brussels on 4.6.2015 and which is jointly organized by Commissioners Thyssen and Bulc.

The SSDC agreed that the two secretariats would prepare a set of key messages to be used by Mr Koltsidopoulos, who would represent ECSA and ETF at the conference in his capacity of Vice Chairman of the SSDC for maritime transport.

Departure of Pia Voss and Giancarlo Crivellaro

The Chairman advised that Mrs Pia Voss would leave her association and hence would no longer be the ECSA spokesperson in the SSDC. On behalf of the entire SSDC, he thanked her for her dedication and the many years of close cooperation.

ETF echoed the positive words of the Chairman and wished Mrs Voss all the best in her new job.

The Chairman also advised that Mr Giancarlo Crivellaro (DG MOVE) would change positions within DG MOVE and would no longer attend the SSDC meetings. He would be replaced by Mr George Kirmizidis. On behalf of the entire SSDC, he thanked him for his participation to the SSDC meetings over the past years.

6. DATE AND PLACE OF THE NEXT SSDC MEETING

The next SSDC meeting is scheduled on Tuesday 27 October 2015.

Attendance List

ETF

- Roos Christian
- Le Guevel Thierry
- Dickinson Mark
- Piatkowski Henryk
- Petar Penchev Petrov
- Thomas Olivier
- Bondo Meyer Mille
- Martín Jordedo Desiderio J.
- Chateil Jean-Philippe
- Vask Kaia
- Jerabek Milan
- Grahl Hans-Dieter
- Azkue Jon
- Jung Joël
- Simeonov Simeon
- Gelmini Rémi
- Carden Mark

ECSA

- Pia Voss
- Simon Bergulf
- Runa Jorgens
- Georges Koltsidopoulos
- Vassilis Papagiannopoulos
- Wim Waanders
- Hege Pettersen
- Armando Boccardo
- Fredrik Holmberg
- Tim Springett
- Nathalie Shaw
- Patrick Verhoeven
- Christophe Tytgat
- Mélissa Gléyo