



EUROPEAN COMMISSION

DG Employment, Social Affairs and Inclusion

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

Brussels, 21 November 2011

SECTORAL DIALOGUE COMMITTEE RAILWAYS

Minutes of the plenary meeting

25 May 2011

1. Adoption of the agenda

The agenda was adopted.

2. New mandates

The parties designated the following persons to take over different mandates¹:

– Committee:

New president (employers): Mr Rudolf Müller

New vice-president (workers): Mr Antonio Gamez

– Working group I:

President for the next two years (workers): Mr Serge Piteljon

Rapporteurs: Mr Anders Olofsson (employers), Mr Michael Bartl (workers)

– Working group II:

President for the next two years (employers): Mr Jean-Paul Preumont

Rapporteurs: Ms Silke Streichert (employers), Ms Maria Cristina Marzola (workers)

Mr Müller warmly thanked Mr Gamez for his chairmanship of the committee over the last two years. During that period, the relations between both sides of industry have stabilised again. Mr Müller was convinced of the European social partners' capacity to contribute to better working conditions.

¹ See rules of procedure of the committee and minutes of the steering committee of 19 May 2009.

3. Information by DG Mobility and Transport (DG MOVE)

Mr Kaufmann from the "Rail transport & Interoperability" unit informed the participants of relevant sectoral developments having social implications: state of play of the proposed recast of the first railway package; the new White Paper on Transport²; developments related to interoperability and safety, including the possible revision of Regulation 881/2004 establishing the European Railway Agency.

The social partners had several questions. Regarding the White Paper, CER wanted to know to what extent the Commission considered to influence the choice of transport mode by setting prices. The Commission representative explained that the Commission did not have the right to set prices; however, internalisation of external costs and some elements of the recast package contributed to modal shift. ETF stressed that the principle of internalisation of external costs should be implemented in all modes of transport; as far as passenger transport was concerned, price alone was not the determinant for the choice of transport mode (quality also would play a role).

ETF presented the three points which had been put forward by the workers' organisation at yesterday's demonstration for quality public railway services³. ETF heavily criticised that the recast proposal and the White Paper addressed the question of minimum service at EU level, which clearly interfered in the right to strike, something the Commission was not allowed to do (in virtue of Article 153(5) TFEU). The Commission representative denied that the recast proposal interfered in the right to strike. Annex VII.9 of the proposal⁴ was related to contractual agreements between competent authorities and infrastructure managers which should include rules on minimum service level in case of strikes if these existed at Member State level. He informed the participants that the latest version which was being discussed in the Council did not even contain any reference to strikes any more.

Other points discussed were related to type-approval of rolling stock, separation of operation and infrastructure, and services of general interest.

4. Information by the European Railway Agency (ERA)

Mr Mette and Mr Pichant from ERA gave a comprehensive survey about the following issues at stake: Annex IV of the train driver directive (Directive 2007/59/EC); smart card study; Annex VI.8 of the train driver directive; TSI OPE (changes regarding Annex A); health and safety conditions of staff; and migration towards a single safety certificate⁵.

Questions from the audience were related to the following points: the use and definition of the terms "stakeholders" and "social partners"; the relatively short content of the TSI sections 4.6 and 4.7 on health and safety at work; the "ownership" of Annex IV of the train driver directive which was stemming from an autonomous social partner agreement

² http://ec.europa.eu/transport/strategies/2011_white_paper_en.htm

³ <http://www.itfglobal.org/etf/etf-news-online.cfm/newsdetail/5998>

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010PC0475:EN:NOT>

⁵ See ERA's slide presentation and DG MOVE's website:
http://ec.europa.eu/transport/rail/interoperability/interoperability_safety_en.htm

and the lack of social partner consultation within the possible revision of that annex; the calculation method regarding costs related to language training; the appropriate language level; developments regarding other mobile on-board personnel. The ERA representatives reassured the social partners that no amalgam was made between social partners and other stakeholders; they had a different role according to the legislation. The Agency took note of the fact that the two sides of industry did not agree on the optimal language level required⁶. Regarding other on-board personnel, there were no new developments since the publication of the Agency's report on the subject.

5. Implementation of the joint recommendations regarding insecurity and the feeling of insecurity in local public transport

Ms Nova presented the outcome of a survey carried out to follow up the joint recommendations of 2003⁷. The report was based on 28 responses to a questionnaire sent to the social partners. The few data did not allow a thorough assessment. However, it was clear that a growing number of trade unions and companies were communicating their numbers on aggressions, incivilities and vandalism (see in detail Ms Nova's slide presentation). Ms Streichert (employers) then presented a concept for a future joint study on the subject (see specific slide presentation). The project would also look at national reporting systems. The parties agreed to follow the proposals and to submit an application for funding by the end of August.

6. Work programme 2011-2012

Working group I (Adaptability and Interoperability)

Mr Olofsson presented the different items carried out by the working group in the last two years (see specific slide presentation). He presented the future work programme in line with the changes already discussed at the steering committee in March. The item on psychosocial risks still had to be further developed. ETF took note of the fact that CER had included an item on the certification of other on-board personnel. No concrete action but the assessment of the coming Commission report would be undertaken. Ms Grau (employers) presented first ideas on a new item for the work programme, namely the protection of staff in case of change of rail operator. Here, ETF was globally positive about the subject but considered it too premature to put it on the work programme. It was however agreed to discuss this subject at the next working group meeting in July.

Working group II (Employability and Equal Opportunities)

Ms Streichert also presented the different items carried out by the working group in the last two years (see specific slide presentation). No fundamental changes were considered necessary for the work programme.

The parties decided to postpone the official adoption of the new work programme till the next meeting in July.

7. Presentation of the practical guide "Employability in the face of demographic change – prospects for the European rail sector"

⁶ European language levels: <http://europass.cedefop.europa.eu/LanguageSelfAssessmentGrid/en>

⁷ Search by date 13/11/2003 at: <http://ec.europa.eu/social/main.jsp?catId=521&langId=en>

Ms Streichert presented the practical guide⁸. The results of this successful project would now have to be further promoted. The social partners decided to keep an eye on it.

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

Ms Durst from the Social Dialogue Unit gave information on recent developments: the publication of the third Demography Report⁹; the removal of restrictions on the right to work in any Member State for citizens from the eight Member States which joined in 2004¹⁰; the publication of a call for proposals related to projects contributing to the exchange of good practices in the field of skills and youth (VP/2011/010); and the state of play of the study VT/2010/031 on the implementation of Directive 2005/47/EC (rail agreement). There were questions related to sector skills councils, working time negotiations, the social partners' involvement in impact assessments and the term "active ageing".

9. Any other business

Ms Trier declared that ETF had a serious problem with the fact that CER had pushed for a certain amendment in Parliament related to minimum service obligations (in the context of the recast of the first railway package). The workers called upon CER to withdraw its recommendation for this amendment. ETF expected that CER as employers' organisation do not interfere in the right to strike, which was a national competency. CER took note of ETF's declaration, specifying however that its recommendations did not question the right to strike and was in line with existing national legislation.

The parties had a short exchange on the programme of the next meeting date (6 July).

⁸ Search by date 24/02/2011 at: <http://ec.europa.eu/social/main.jsp?catId=521&langId=en>

⁹ <http://ec.europa.eu/social/main.jsp?langId=en&catId=502&newsId=1007&furtherNews=yes>

¹⁰ <http://ec.europa.eu/social/main.jsp?langId=en&catId=457&newsId=1019&furtherNews=yes>

Participants 25.5.2011

<p>Employers (5 ♂, 4 ♀)</p> <p>CER Ms Grau (FR) Mr Inglese (IT) Mr Olofsson (SE) Mr Preumont (CER) Ms Streichert (DE) Ms Vassileva (BG) Mr Vermeulen (BE) Ms Vetzkova (BG)</p> <p>EIM Mr Blomberg (SE)</p>	<p>Workers (11 ♂, 4 ♀)</p> <p>ETF Mr Aguado Olmedo (ES) Mr Aufrère (FR) Mr Caceres Diez (ES) Mr de Chateauvieux (FR) Mr Dalne (BE) Mr Gamez (ES) Mr Karlsson (SE) Mr Lutzke (DE) Ms Marzola (IT) Ms Máthé (HU) Mr Piteljon (BE) Mr Praillet (BE) Ms Trier (ETF) Mr Wacsin (FR) Ms Zkelyazkova (BG)</p>
<p>European Commission</p> <p>Ms Durst (DG EMPL/B.1) Ms Duta (DG EMPL/B.1) Mr Kaufmann (DG MOVE/D.2)</p>	<p>Others</p> <p><u>European Railway Agency</u> Mr Mette Mr Pichant</p> <p><u>External expert</u> Ms Nova</p>