

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT

27 OCTOBER 2016

DRAFT MINUTES

Chair: Mr Thomas Abrahamsson

1. APPROVAL OF THE DRAFT AGENDA

The SSDC approved the draft agenda for the SSDC meeting of 27.10.2016. At the request of ECSA, item 4.e "SSDC Chairmanship/Vice-Chairmanship: Elections" was postponed to the next meeting.

2. APPROVAL OF THE MINUTES OF THE SSDC MEETING OF 25.05.2016

The SSDC approved the minutes of the SSDC meeting of 25.05.2016.

3. MATTERS ARISING

a. Mid-term review of the EU maritime transport strategy

G. Kirmizidis (DG MOVE) referred to the recently published Staff Working Document pointing at the achievements made in the years 2009-2016, and announcing the evaluation to modernize the legislative framework in 2017. He also mentioned how important this is since it will allow digitalization and administrative simplification, letting maritime transport become even more efficient.

ETF stated its support for the review, but raised concerns with regards to opportunities for meaningful careers at sea as well as the prospects of digitalization and denounced the myths that young Europeans would not be interested in pursuing a career at sea. It also criticized the lack of human element in the chapter on safety and security and a trend towards liberalization through international Agreements – such as TiSA. Commenting on Brexit, ETF stated that more free trade cannot be the answer since the wave of populism, nationalism and demands for protectionism was an expression of discontent with neoliberalism and a direct consequence of the failure to address the needs of European citizens, first and foremost employment. ETF also asked to have jobs and training on advanced skills for seafarers in focus at any time. It also pointed out the need to close the loopholes in the way state-aid for maritime transport whilst making it clear subsidies were definitely needed but on condition there was a return on investment and-aid was made available in particular for securing jobs for European seafarers. Against this background, it also did not support EU funding studies on autonomous ships like the MUNIN project.

ECSA welcomed the Commission's report and in particular it noted the Commission's support for the work of this committee in paragraph 77. It noted positive effects from

the state-aid guidelines, for instance of maritime training. In the ongoing review it looked for the extension of this scheme as it has a phenomenal positive effect. It said that there was no shortage of young people interested in careers at sea. It was necessary to ensure that there would be opportunities for them to stay in the sector and be competitive. It referred to digitalisation and thought this should be seen as a golden opportunity for the EU to seize greater share of European shipping in the world. It said that technological advances had driven and would continue to drive changes in the nature of jobs on board ships so seafarers would need different skills. It said that the Commission's refit exercise in training and recognition of qualifications directives was timely. .

The Social Partners agreed to meet, possibly in the presence of Mr Dimitriadis, in order to prepare a joint statement.

b. The 2017 European Shipping Week

ECSA mentioned that a joint Social Partners' event was being organized during the European Shipping Week 2017, scheduled for Monday 27.02.2017 in the afternoon. It will discuss issues related to training as well as present outcomes of joint projects. Arrangements will be made at Secretariat level. It also referred to the flagship conference being organized on the 1 March which will discuss global and European developments affecting shipping. It noted that as a contribution to the EU shipping policy review, the afternoon sessions will also discuss maritime careers and reduction of administrative burdens and simplification.

ETF expressed its satisfaction at the reciprocal participation of the social partners at the events they will host during ESW: the 'Seafarers Matter' conference of 28 February and the Flagship Conference of 1 March. On this latter event, ETF wondered though what was exactly meant by "delivering global competitiveness". ETF finally also welcomed the joint event as an opportunity to profile the industry..

c. Administrative burden for Seafarers

J. Savo (DG MOVE) presented the three-step effort to reduce the administrative burden:

Firstly, the preliminary feedback on the implementation of the National Single Windows (NSW) suggests that the current impact of the systems to the administrative burden is low or even negative. Therefore, the Commission has launched a REFIT evaluation on the directive in order to establish formally if its objectives have been met and, if so, on what level. In order to collect information for the evaluation, PricewaterhouseCoopers was asked to conduct a study involving targeted interviews with masters, competent authorities and about 40 European ports on their current administrative burden and reporting obligations. The report is expected to be ready in March and, if supported by the evaluation, an Impact Assessment will start immediately after and include introduction of a European Single Window.

Secondly, peer reviews with Member States on the existing NSW are carried out by EMSA. The objective of these reviews is to provide feedback to the reviewed Member States and collect best practices which could be shared with other Member States. The first review was recently conducted in Sweden and demonstrated that even if the NSW is well developed and received within a country, without an European level harmonization it will not produce the desired impact as ships are commonly doing international voyages.

Thirdly, regarding the eManifest, as the revision of the Directive requires more time, a project to develop the eManifest has been launched, which will contribute to the possible revision of the Reporting Formalities Directive (RFD) and, before that, facilitate the possible voluntary take up of the European Single Window. Thirteen Member States and about 20 shipping companies are involved. Until the European SW is adopted, the eManifest cargo data can be introduced into the National Single Windows. This work is aligned with the developments linked to the implantation of the Union Customs Code and will be fully compatible with the UCC standards.

ECSA thanked Mr Savo for the comprehensive report, welcomed the progress made and strongly encouraged the developments. The work on eManifest is very important and stressed that shipping companies are expecting something concrete to come out of the project. However, ECSA considers that the RFD, as currently applied, is a bigger problem and finds the revision extremely important. Seeing the REFIT exercise desperately needed, ECSA offered its help to find shipmasters for the interviews.

ETF echoed the comments made by ECSA. They also questioned why EU ships were not favoured in any regards by the new system, aiming at incentivizing lines to create employment on European ships. In addition ETF stressed that if Europe was to reduce administrative burden for ships entering its ports, a reciprocal treatment must be reached so that EU ships benefits from a less burdensome environment when calling at ports in China or India for instance.

The Commission replied that a harmonized port call will provide great benefits but such harmonization need to be introduced equally to everyone, otherwise the benefits are lost. Further measures helping the European shipping sector in particular, like electronic ship certificates, can be assessed.

The Chair said that the Social Partners are pretty much on the same page on this issue and are eager to participate in the review process and to be consulted on this going forward.

d. Improving the environmental performance of shipping

While referring to the discussion held at the last SSDC meeting, ETF underlined its commitment to reducing emissions from GHG, SOx and NOx, pointing also at the importance of including safety and training elements. It expressed its preference for decisions to be taken at international (IMO) level, and pointed out that the EU28 should act as a positive force within the IMO. However, if IMO fails to act, the EU should not hesitate to adopt regulatory standards.

ECSA welcomed the interest ETF is showing on the file. It stressed that at the moment the discussions are of a very technical nature and lie outside of the competence of the SSDC Social Partners. It proposed that until the discussions between social partners should indeed continue on this topic but not in the context of this sectoral social dialogue committee, until policies start to touch upon crewing matters or H&S. Therefore the issue was requested to be taken off the agenda, unless it impacted crewing matters or human elements at sea. The Social Partners agreed to follow this suggestion. Should questions of employment, training or health and safety occur, it shall be taken up again.

e. Harassment and Bullying

ETF stressed the importance of dissemination of the existing guidelines on this issue, especially now it has been addressed also on an international level, and asked ECSA to foresee an assessment of the way in which shipping lines have been encouraged to make good use of the training material. Though the shipping industry might look fairly safe regarding harassment and bullying, the issue shall continue to be proactively addressed, as previously in the UK and France. ETF is looking forward to the results of an academic study from France which will provide further insights.

ECSA expressed its appreciation to ETF for hosting the training material in an electronic format (several linguistic versions of the guidelines and of the workbook as well as the YouTube link towards the training videos) and asked if it would be possible to obtain information on the web traffic to the material. ECSA also considered it important to check that the links to the material remained up to date.

The Social Partners agreed that both sides have a strong interest in further work on this issue.

4. REPORT ITEMS

a. Malta's EU Presidency: which priorities for the maritime sector?

David Kerr (Technical Attaché for Maritime from the Maltese Permanent Representation) presented the priorities for its EU Presidency in the first half of 2017, announcing a whole spectrum of initiatives.

Regarding legislation, Malta (MT) will continue the review of the Passenger Ship Safety Regulation with the trio partners (SK, NL). The Slovak Presidency reached a general approach on two of the files (surveys on ro ro ferries and high speed passenger craft and passenger ship safety) and the Maltese Presidency aims to reach agreement at Council level on the remaining file on passenger registration. It also will try to close the package if political agreement could be reached with the EP during its term. On the Proposal for a Directive on Professional Qualifications in inland waterways, they hoped SK could finalise it but if not the MT Pres was ready to pick up where the SK Pres left off and work towards finalizing negotiations with the EP.

Concerning the IMO coordination for GHG (Greenhouse gas emissions/regulation), much work is still outstanding and it shall be ensured by the Marine Environment Protection Committee (MEPC) that IMO takes action in this field. On the review of the Directive on Port Reception Facilities, MT Pres would welcome a proposal as early as possible during its Pres o be able to make sufficient progress. On the digitalization in the shipping area (eManifest) MT would like to see a political debate on the future Single Window.

With regards to the Integrated Maritime Policy, MT will follow the "Blue Growth" agenda to create job opportunities and sustainable use of the seas (in International Oceans Governance, e.g.). It plans to have Council Conclusions adopted on an action plan on the use of our oceans in a sustainable manner. On Blue Growth, it intends to organize a number of debates focusing in particular on nautical tourism.MT would like to stimulate debate on training, certificates, shortfalls, and bottlenecks. The MT Presidency also wishes to work on "the West Mediterranean Sea Basin Initiative" expected to be launched in a Commission communication and action plan in Spring 2017. It is expected to focus on how to create opportunities in the basin and how MS and third countries could cooperate in projects like the "Motorways of the Seas". A review of this initiative will be handed over to the Estonian Presidency (second half 2017).

The MT Presidency will also organise a number of events, starting from two events at the ESW, of which one is dedicated to digitalization and future skills required by seafarers.

On 28.03.2017, there will be a joint Ministerial Stakeholder Conference, which includes social aspects, followed by a Ministerial meeting the day after. A declaration on the mid-term review of the EU Maritime Transport Strategy shall be adopted there. At the end of April 2017, there will be an informal Ministerial conference on the Blue Growth initiative touching upon also nautical tourism and Ocean Governance.

Finally, the EU Maritime Security Strategy will be discussed at a seminar in May 2017 which is being organized together with the IMO World Maritime University, the Maritime Labour Academy of the ILO and the IMO Maritime Law institute- it will take up issues such as training for third state participants and how to implement the EUMSS in third states and the role of the academies.

In advance of the TTE formal Council in June 2017, there will also be a Digital Assembly organized by DG CNECT, which will have a dedicated workshop on smart shipping and digitalization.

ECSA was impressed by the MT programme but noted that it did not hear anything specific on training and maritime careers. It mentioned the ESW joint (ECSA-ETF) event on recruitment, training, employment opportunities for European seafarers. It drew attention to the Schengen visa code and noted that the trilogue discussions are not proceeding as smoothly as one would have hoped so it considers SK unlikely to conclude the Schengen Visa Code soon and called on Maltese Presidency support to promote agreement on points of concern to seafarers as it would be important to securing agreement quickly.

MT ensured to keep the momentum going in the negotiations on the Schengen Visa Code and clarified that it will address social aspects in the Ministerial/Stakeholder

Conference in March 2017 where the intention is to bring together the policy makers and the stakeholders to tackle issues linked to environmental, social and digital aspects. It also noted that there will be social aspects tackled also when discussing the EU MSS and the Blue Growth files.

ETF stated its willingness to take part in the stakeholder events but wondered which priorities will be set and reminded parties to bear in mind what is in for European seafarers. This also applies to the "Motorways of the Seas" concept, in which European truck drivers shall not be replaced by foreign seafarers should a modal shift was to happen. Therefore, ETF would appreciate inclusive stakeholder meetings and expect MT to stress social aspects in all their initiatives.

MT announced to portray shipping from a modern angle and show its modern possibilities as an efficient mode of transport.

Chair concluded that the Social partners were eager to work together with the forthcoming Presidency.

b. Schengen Visa Code: update on the ongoing legislative procedure

Both social partners reiterated their interest in the development of this dossier since it concerns the smooth facilitation of transit and transfer of seafarers. They mentioned that the Schengen Visa Code has recently been in a trilogue meeting (11 October).

S. Martinelli, DG EMPL, on behalf of DG HOME, reported of a current blockage between the co-legislators. The document was being discussed in the Council on the same day of the SSDC meeting, so no updates could be given. The SK presidency will indicate its way forward.

ECSA, acknowledging that the blockage is not related to shipping, declared their readiness to set up efforts and a small working group inside the SSDC to monitor the progress on this file and to liaise with DG HOME and the co-legislators. It counted on the support of the incoming MT presidency. It also noted the lack of agreement between the Council and the EP, which ETF confirmed.

c. Migrants at Sea

ECSA referred to a letter sent to the Commission about merchant ships directed by local coastguards to save persons at sea, in distress. Following the unwritten rule to assist and taking this obligation seriously, ECSA would like to remind Member States of allowing the earliest possible disembarkation. It asks for reassurance of this principle and to not be subject to any legal penalties in this context.

ETF underlined its commitment to take action together and its willingness to organize a meeting with the relevant Commissioner services on this topic. It would also support a joint statement. Furthermore, it would like information on Frontex' role on this matter. ETF suggested inviting a Frontex representative to present their work at one of the next SSDCs.

G. Kirmizidis referred to the revision of mandates of the three agencies affected.
S. Martinelli asked the Social partners to forward the letter also to DG HOME and DG MOVE.

d. Commission study on the implementation of responsibilities of labour supplying countries pursuant to the MLC, 2006

ETF stated that they have internally analyzed the study but asked the Commission for more time to analyze the results further. This would also facilitate discussions with ECSA on a possible joint statement.

ECSA thanked Commission for carrying out the study. It underlined its willingness to work on a possible joint response but agreed that more time was necessary. It considered the Commission's action premature as the main labour-supplying countries had not ratified the convention yet or were in a 12 month transition time. So further time was needed to take into account experience gained and the study as such was before its time.

ETF congratulated the Commission for having taken the initiative to carry out a study on the issue at stake although acknowledging the fact that this assessment was perhaps premature and that it could in any case be improved next time. Having said that, ETF stated that the results confirmed generally their views and perceptions that action should be taken. In particular as the study confirmed practices like blackmailing and fees for jobs were unfortunately still common. ETF further commented that if there was no legal basis then it should be looked into how to establish it.

G. Kirmizidis replied, on behalf of the Commission, that at his level he could not extend the deadline further than Monday, 28.11.2016. He however took the message that both social partners asked for more time and he would check with his hierarchy for any further postponement. The feedback is required for further work in the Commission before the study can be sent to the EP.

The Chair concluded that the Commission was encouraged to give more time if it wanted a serious attempt at a joint message. The two secretariats were however encouraged to start work on providing a joint statement.

e. SSDC Chairmanship/Vice-Chairmanship: Elections

The point has been postponed to the next SSDC meeting for reasons of internal needs for coordination.

f. Work Programme for 2017

The Social Partners will soon finalize their joint work programme. As part of the Work Programme for 2017, ETF suggested two proposals for joint EU-funded projects: one on social security for seafarers (including pensions), and another one on how EU state aid provisions are delivering. The latter shall include research on who is making use of these state-aid, how much and with which return provided. ETF suggested two items to be removed from the agenda: MLC (given that this afternoon's session solves the issue), as well as Social exclusion for seafarers, as the EU legislation was adopted to include seafarers into the scope of the relevant labour and social law.

ECSA said it was difficult to identify things to delete from the Work Programme, rather those completed items could be changed to monitoring ones. It also wondered what ETF's added topics would lead to. With regard to social security ECSA raised the concern that this was an area of exclusive competence of Member States and outsider Article 155 TFEU.

The chair informed that the Social Partners are free to discuss what they wish irrespective of competence, but that this might not have any effect in the legislative process.

The Chair asked the two Secretariats to work on the joint Work Programme which needed updating but nothing taken out. The aim was to have a joint work programme to present to the next meeting in March 2017

Mr Martinelli reminded the parties that the call of proposals on the European Social Dialogue should appear around March 2017.

5. AOB

None.

6. DATE OF THE NEXT SSDC MEETING

The next SSDC Meetings will take place on Monday 13.03.2017, Tuesday 27.06.2017 and Thursday 21.12.2017.