

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT

25 JUNE 2018

DRAFT MINUTES

Chair: Mr George Koltsidopoulos

1. APPROVAL OF THE DRAFT AGENDA

The SSDC approved the draft agenda. Order of items was slightly adapted and additional items were included under AOB – Eurofound 6th EWCS, priorities of the Austrian Presidency and migrants at sea.

Kristine Krivmane in DG EMPL will from now support the SSDC.

2. APPROVAL OF THE MINUTES OF THE SSDC MEETING OF 01.03.2018

The SSDC approved the minutes of the above SSDC meeting.

3. MATTERS ARISING – WORK PROGRAMME

a. Shipboard living & working conditions

i. Review of Directive 92/29/EC (Medical treatment on board vessels)

Jan-Willem Ebeling, DG EMPL provided an update informing that following work of an expert group and the Opinion¹ adopted by the Advisory Committee on Safety and Health (ACSH) in May 2018, DG EMPL is currently consulting other Commission services on the text of possible technical amendments to the Directive. As to the content, changes to Annex 2 (Medical supplies) are proposed (technical updates for medicine/equipment); Annex 4 (General Framework for the inspection of vessels' medical supplies) will be adapted to Annex 2 in view of the changes in that Annex. The proposed technical updates will subsequently be examined at the Technical Progress Committee and submitted to the Council and the European Parliament for scrutiny. If no observations, the Directive will be adopted by the Commission, with a transposition period.

Both ETF and ECSA enquired about the timeframe for a fuller review. J.W. Ebeling clarified that the Commission is currently working on the basis of a political communication (COM(2017) 12) to carry out technical updates at this stage. The Commission is, however, gathering ideas from experts and assessing whether a more comprehensive review should be put on the agenda. In case of a fuller review the Commission will have a possibility to draw from the support of the

¹ <https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp?FormPrincipal: idcl=FormPrincipal: id1&FormPrincipal SUBMIT=1&id=6e0be28c-a311-4423-b930-5a9dd15585c1&javax.faces.ViewState=vKSYKdXagGOyAslLYaKq2znJ9nwXSJeQO1K%2BGXNRsgb06FwTXJV0eaOzSWbD%2FTEuRsEcczhpzdsjSbur6BFfct9n1xhRNsFuopVjxASkvf%2F2odjtdXtZv7%2BcgBelSfscM6BKoMoygypUjflfuVL%2BoS4DjPYGjjGKip8qw%3D%3D>

ACSH Working Group who examined the technical updates, as well as from the expert group.

ECSA proposed submitting a joint letter expressing support for the Directive and calling for full review. ETF would need to assess some elements further but concurred on the principle.

ii. Establishment of a working group on seafarers' Health and Safety: discussion on possible terms of reference

ETF proposed to progress this activity after the summer break, with focus on mental health, nutrition, drugs and alcohol abuse. ECSA supported the idea and suggested to work by correspondence. ECSA also proposed amending the objective (i.e. *full stop after seafarers' wellbeing*) to make the objective more general and enlarge the scope. ETF agreed.

iii. Presentation of the work carried out by the ITF Seafarers' Trust to address the improvement of shipboard living & working conditions

ETF gave a presentation (see ppt) and showed an accompanying video as an input to SSDC discussions.

ECSA recognised the pertinence and saw benefit on focussing on promoting mental health and helping people who face problems.

ETF proposed using resources of the Seafarers' Trust and seeking support for the working group (discussed under 3.a.ii).

iv. Communication facilities onboard: discussion on possible ways forward to improve them

ETF introduced the idea of addressing the crew communications issue in partnership with ECSA to possibly develop a joint project (analysing access, seafarers' needs, mental health issues and developing guidelines on usage of internet aboard).

ECSA was prepared to join ETF in exploring this idea further in the framework of the new H&S working group. ECSA outlined a number of issues that need to be considered: provision of communication, guidelines, impact on mental health, operational matters for the ships to consider.

As ETF expressed reservations on dealing with this issue in the new working group it was agreed that the approach (a separate Working Group, a project) will be further discussed at the Secretariat level.

b. Quality shipping

i. Education, training and certification of seafarers (STCW matters): new proposal for the revision of Directive 2008/106 on the minimum level of training of seafarers and Directive 2005/45/EC on the mutual recognition of seafarers' certificates by Member States - presentation by the Commission and exchange of views

Both ETF and ECSA regretted that DG MOVE representatives could not attend the meeting. DG MOVE was invited to participate in the meeting of 9 October.

ii. Commission's work on its report to Council and EP on the implementation and application of Regulation 5.3 of the MLC regarding labour supplying countries (pursuant to Article 6.2 of Council Directive 2013/54/EU) - Presentation by Commission of state of play and first exchange of views on suggestions.

Staffan Ekwall, DG MOVE recalled the EC obligation to submit the above report to Council and the European Parliament end-2018. A related study was published on DG MOVE website.

The report was under preparation, it will be subject to consultation in the Commission during the summer break and hopefully adopted in autumn. The current draft report focusses on recruitment and placement services but also looks into issues in relation to the working and living conditions of seafarers. It is planned to contain several policy recommendations. As the Convention entered into force in 2013 Mr Ekwall stated that it is early to assess its implementation comprehensively, therefore the report presents preliminary observations.

On recruitment/placement, the difficulties in using private recruitment services were identified. This is an area where EMSA possibly could have a role to collect/publish data in this and broader recruitment/placement context. On social security, while MLC prescribes covering 3 out of 9 branches as a minimum, this can be considered insufficient and requires a review. On gender issues/harassment, the social partners can play a role, events such as the workshop of 26 June are useful. Finally, ILO's further review/action on several of the above issues would be beneficial.

ETF expressed support for the conclusions of the study and the report in several areas: attracting staff, social protection, harassment. In particular, ETF welcomed attention to difficult areas such as social protection. ETF stressed the role of collective bargaining. For ETF targeting all ships in EU waters is important. To progress the work ETF welcomed dialogue with ILO in the context of the MLC on which ETF considered EU should lead. On specific issues in particular Article 22 reports, ETF stressed that practical input from inspectors is fundamental. ETF shared the approach of the Commission that there is more scope for developing social aspects in sustainable shipping.

ECSA recalled that they had noted conclusions/recommendations of the study, however, they did not agree with all. ECSA welcomed ILO involvement but pointed out that any amendments to the MLC /more ambitious standards would need to be considered in relation to competitiveness. On social protection provisions, ECSA recognised the difficulties of implementing the ILO Social Protection Programme globally. ECSA stressed the role of EU social partners in promoting good practices and pointed to 'Harassment Guidelines' - an ambitious initiative that originated in the EU but has gained international recognition.

iii. Consideration of terms of reference for joint social partners project proposal on data collection on maritime professionals

Both sides agreed on the concept. The Secretariats will continue to work in order to resolve outstanding points/fine-tune to possibly finalise work by 25 September. One methodology that works for all Member States needs to be achieved.

c. Reduction of administrative burdens on seafarers and ship owners: Proposal for a Regulation of the EP and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU – presentation by the Commission and exchange of views

Both ETF and ECSA regretted that DG MOVE representatives could not attend the meeting. ETF noted the progress made on the file based on the update by the Austrian Presidency. ECSA informed that its Committee is developing a position.

After a debate on the interpretation of the Commission's proposal and its ambition by both sides, it was agreed that there is a potential for joint position/ lobbying and that the Secretariats should take this up.

4. REPORT ITEMS

a. Home Affairs Files affecting seafarers/shipping companies: update on the negotiations in Council and European Parliament on the new Commission proposal revising the Community Code on Visas

K. Krivmane, DG EMPL provided the update on the process of negotiations provided by DG JUST: the Council has adopted its general approach in Coreper on June 19. In the European Parliament - on 21 June a first presentation took place in the LIBE Committee; the rapporteur's report is expected in September 2018. Regarding the content, DG JUST confirmed that the Commission maintains its proposal.

Both ECSA and ETF expressed disappointment that Council's general approach did not take into account the joint position of the social partners in relation to Article 24 which has remained as proposed by the Commission. In ECSA's view the proposal amounts to regression in terms of the right of seafarers' ability to obtain visas, in particular the multi-entry visas. Both parties agreed to pursue the efforts in the

European Parliament including exploring a possibility to participate in the hearing of LIBE Committee of 10 July.

There was also agreement on refocussing efforts on calling Member States to ratify ILO Convention N° 185.

b. Proposal for a Directive on Transparent and Predictable Working - update on negotiations in council and European Parliament

K. Krivmane, DG EMPL provided the update on the progress. In the Council a general approach has been reached on 21 June². In the European Parliament – the proposal is with the EMPL Committee, the rapporteur is Mr Enrique Calvet Chambon. The Swedish Parliament has submitted a reasoned opinion stating that the proposed directive is contrary to the subsidiarity principle.

ECSA noted the update. ETF expressed disappointment about the proposal of the Bulgarian Presidency to exclude seafarers and will follow this up.

c. Reporting on cooperation with the OSHA

ECSA informed that a news item on the ETF/ECSA health and safety report was published by EU-OSHA³. ECSA proposed to jointly engage with EU-OSHA to ensure that the exchange platform is included in the EU-OSHA Work Programme. ETF concurred.

d. Outcome of the 3rd meeting of the ILO Special Tripartite Committee on the MLC, 2006: agreement on a new amendment on seafarers' wages and other contractual entitlements during period of captivity

ETF proposed taking the topic up in the framework of a new Social Partners' Agreement. ECSA confirmed the procedure (starting with a joint letter to the Commission).

5. Women in SHIPPING and Platform for Change: thematic workshop on 26 June 2018

Both parties confirmed relevance of the event and their commitment. ETF called for conclusions to feed into the social dialogue at national, EU and international level. ECSA welcomed the initiative as part of Platform for Change.

6. AOB

a. Eurofound 6th European Working Conditions Survey (EWCS)

² https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_10299_2018_INIT&from=EN.

³ <https://osha.europa.eu/en/oshnews/new-report-eu-social-partners-maritime-transport-sector-published>

The social partners await clarifications from Eurofound in order to decide if they can provide any input. K. Krivmane, DG EMPL informed that a presentation on the subject will be given by Eurofound in the Liaison Forum of 2 July. If additional clarifications will be considered necessary, she recommended addressing this to Eurofound directly.

b. Priorities of the Austrian Presidency

Sabine Pontzen, Federal Ministry for Transport, Innovation and Technology presented the priorities. The Presidency will deal both with inland waterways and maritime transport, 18 working groups are planned. In parallel, the Presidency deals with EU position on IMO/ILO issues in maritime transport. Ms Pontzen gave an update on the following legislative files -

Directive on Port Reception Facilities: A general agreement was reached in the Council on 7 June. The EP is expected to be ready for negotiations end-October 2018 when the first trilogue can start. Agreement is expected for end-2018.

'Single Window' Regulation: the Presidency will start analysis; a general agreement is planned to be reached by end-2018.

STCW: the first discussion took place under the Bulgarian Presidency, currently Member States are providing written comments, more analysis is needed for some. Progressing the file will depend on the time needed for other initiatives, nevertheless, substantial progress on the file can be expected.

ECSA expressed appreciation for the report and focus of the Presidency on the maritime sector. ECSA outlined its priorities: Reporting Formalities Directive and the STCW Directive. ETF noted the progress on Single Window Regulation and Directive on Port Reception Facilities.

The questions on the Visa Code from ECSA and ETF will be forwarded to the competent persons in charge in the Presidency team.

c. Migrants at Sea

ETF recalled that seafarers are directly impacted by the migration crisis quoting the recent Aquarius case as well as Spanish statistics⁴ and stated that together with safe manning this represents serious challenge that should be addressed through a joint letter to the Commission. ECSA raised attention to a recent stowaway incident and informed that a joint letter in this respect is under preparation. In view of time constraints it was agreed to follow up these issues outside the meeting.

The next SSDC meeting will take place on Tuesday 9 October 2018.

⁴ ES coastguards rescued 4300 migrants in 2015 and 19000 in 2017.