



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social dialogue, social rights, working conditions, adaptation to change
Social dialogue and industrial relations

SECTORAL SOCIAL DIALOGUE COMMITTEE INLAND NAVIGATION

Meeting of 1 July 2009 Minutes (approved on 17 September 2009)

1. Adoption of the agenda and approval of the minutes of the previous meeting

Mr Lehninger (workers) chaired the meeting. The agenda was adopted and the minutes of the previous meeting (18 February 2009) were approved.

2. Information from GD TREN

Mr Dieter (GD TREN) informed the meeting about recent significant developments:

- Second Steering Committee Meeting of the PLATINA project (<http://www.naiades.info/>) on 17 June which included a discussion on the 2nd PLATINA Roadmap Report. More than 70 participants attended the meeting.
- Commission Communication on the Future of Transport (COM/2009/279 of 17 June)¹ in which the Commission encourages all interested party to contribute to the consultation exercise launched by this Communication. Mr Dieter invited the social partners to submit their views on the future of transport and on possible subjects of interest for the sectoral social dialogue on inland waterway transport. Why not submitting a joint opinion in this regard by the end of September?
- The next market observation report would be published soon². It is part of the regular observation and analysis of the inland waterway transport sector carried out, on behalf of the European Commission, by the Central Commission for Navigation on the Rhine (CCNR), in collaboration with the European inland navigation organisations. The new report would help the Commission to better assess the impact of the economic crisis on the sector. Mr Dieter also announced that a sectoral hearing would be organised by the Commission after the summer break (probably 7 October) in order to analyse the situation.

¹ http://ec.europa.eu/transport/strategies/2009_future_of_transport_en.htm

² <http://www.ccr-zkr.org/>

On the latter, the social partners agreed to put this point on the agenda of the next meeting and to possibly prepare a written contribution prior to the meeting. Asked about the future relationship between the Commission and the CCNR, the Commission representative said that the cooperation agreement with the CCNR secretariat from 2003 (dealing for instance with the market observation) would be reassessed soon.

3. Information from GD EMPL

Ms Michard (DG EMPL) informed the meeting about the rules on the coordination of social security systems (new Basic Regulation 883/2004³ and its new Implementing Regulation⁴). Her slide presentation explained the history of social security coordination in the EU, the reasons for a modernised coordination decided by Council and Parliament in 2004 and the basic principles of the coordination. As far as the applicable social security legislation was concerned, the legislator's approach was twofold: to strengthening the "*lex loci laboris*" principle and to limiting the number of specific rules for different categories of professional activities. Since the agreements of 1950 and 1979 concerning social security for Rhine boatmen were not mentioned in Article 6 of Regulation 883/2004, the coordination principles shall in principle apply to Rhine boatmen in the same way as they do for boatmen employed in the sector in other EU Member States (see Article 12 to 16 of Regulation 883/2004 and in particular Article 13).

The social partners agreed with these new principles, but were worried about the rules regarding third country employees, considering they were not exercisable for inland navigation. Since 1950, the residence of employment had been decisive for Rhine boatmen. The Commission representative drew the participants' attention to the fact that transitional provisions were provided in order to prevent detrimental effects of the new rules as regards the rights of the persons covered by a different legislation by virtue of the former rules. The regulation allowed former rules to remain applicable for ten years maximum.

Ms Michard also informed the meeting about ongoing work around the new patterns of mobility. This work would examine how the new coordination rules addressed the various types of cross-border activities and whether they met the needs of the various stakeholders. The result of this work, on which social partners and other stakeholders would be consulted, would probably be presented in a Commission Communication next year.

The Commission representative said she would inform the "Administrative Commission" about the concerns raised by the sector. Similar concerns had also been expressed by air crew staff.

The social partners thanked Ms Michard for having explained the context of the new legislation. They decided to prepare a joint statement for the end of July. The item would be put on the agenda of the next meeting in order to discuss further action to be undertaken by the social partners at national level.

³ See also: <http://ec.europa.eu/social/main.jsp?catId=26&langId=en>

⁴ The implementing regulation was adopted on 27 July 2009 by Council. It will enter into application on 1 March 2010 (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/misc/109355.pdf)

4. Work programme: next steps

The social partners discussed the different items of their work programme 2009-2010⁵.

Regarding working time, the parties confirmed that the consultation document was in circulation. The drafting group should however already start working.

Regarding professional profiles, the employers' side was optimistic that the work of PLATINA would provide a good basis for discussion. A social partners' specific working group was therefore not necessary. The workers' side expressed its wish to positively influence the process. EBU informed the parties that the next PLATINA working group would be held on 31 August.

Manning requirements: the DG TREN representative recalled that the impact assessment study had shown that there was no urgent need for harmonisation in this area. The point was therefore no priority of the Commission's work programme for the next two years. This should however not prevent the social partners to make their own assessment. The study would therefore provide a starting point. The employers' side considered working time and professional profiles as more important for the time being. The Rhine Commission's representative informed about ongoing work regarding different regulations related to crew.

Working and living conditions and unfair competition: work has not started yet.

5. Designation of the chair and vice-chair for the next two years

In the interest of continuity, the social partners designated Mr Koning (employers) as chair for the next two years. Mr Lehninger, who was warmly thanked for his chairmanship over the last two years, would from now on be the vice-chair.

6. Any other business

The next regular meeting is planned for 17 September. The next negotiation meeting (without interpreting) is planned for 29 October 2009.

5

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/inland_waterways/2009/arbeitsprogramm_2009-201&vm=detailed&sb=Title

Participants 1.7.2009

Employers (EBU, ESO):

Ms Beckschäfer (DE)
Mr Koning (NL)
Mr Naaborgh (NL)
Mr Rusche (DE)
Mr Van Lancker (BE)
Mr Veldman (NL)

Workers (ETF):

Mr Biesold (DE)
Mr Bleser (LU)
Mr Bramley (ETF)
Mr Kerkhofs (BE)
Mr Lehninger (AT)
Ms Zlatkova (BG)

European Commission:

Mr Dieter (DG TREN)
Ms Durst (DG EMPL)
Ms Michard (DG EMPL)

Others:

Ms Tournaye (CCNR, Observer)