



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

Brussels, 4 May 2009

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT

WORKING GROUP MEETING

held on 16 April 2009 in Brussels

DRAFT MINUTES

As a WG meeting, it was **agreed** that ETF and ECSA jointly chair the meeting, with interventions by all participants welcomed.

A list of participants is **attached**, it being noted that apologies for absence had been received from Tomas Abrahamsson and Brian Orrell.

1. ADOPTION OF AGENDA

The WG **approved** the agenda and **agreed** that ECSA would prepare a draft record for consideration.

2. TERMS OF REFERENCE FOR THE WORKING GROUP

ETF reported that in considering the draft prepared by the secretariats that morning, a number of points had been made. In particular, the need for a Community level initiative on seafarer training and recruitment had been questioned; this was against the background of the conclusion of the Career Mapping study that, in view of the inherent national differences between the shipping sectors of Member States, the value of EU wide initiatives was questioned. While national characteristics may need to be taken into account in any initiative, the same was true in relation to health and safety issues where no progress had been made in the social dialogue at the meeting in November 2008; ETF was unclear why ECSA put emphasis on seafarer

training and recruitment initiatives at EU level. More generally, while ETF was fully supportive of social dialogue, they questioned if ECSA shared this view in a meaningful way.

ECSA noted that the issue was on the agreed work programme. This was considered useful in light of the many national initiatives in the training and recruitment field, and there was added value to be gained by exchanging views, information and best practice. In addition, it was the goal that conclusions on common challenges within the EU could be reached reflecting the particular characteristics of seaborne employment in a globalised industry. ECSA stressed their commitment to serious social dialogue, the recent SPA on the MLC being a significant achievement and a clear example of such commitment; one could also cite ECSA's involvement in the fatigue study and, in relation to health and safety, a WG on the issue was included in the work programme. Inevitably, there were issues on which the two sides disagreed but that did not undermine the merits of a social dialogue.

The Commission suggested that while the exchange of ideas and best practice was very worthwhile, the SP may wish to also address the implementation of the 2005 Council Conclusions.

ETF, addressing the TOR, stressed that it should be clear that the reference to 'seafarers' related to EU nationals only and included both officers and ratings. The reference to 'numbers of seafarers reflecting the needs of Member States' could not be accepted (flagged up in the Work Programme) as some MS had decided that they did not require European seafarers. It was also felt that the State Aid Guidelines should be considered with a view to recommending improvements and noted that the employment situation was worse than at the time of the 1996 Conference on whether EU seafarers were an endangered species.

ECSA noted that the wording suggested by ECSA in the TOR came from the Work Programme; it was important in practice for each MS to determine the specific need for EU seafarers, there being implications, for example, in relation to capacity of maritime schools and training berths. There was a need to attract quality people into the profession and to offer career opportunities in the wider maritime cluster. It was unwise to contemplate a quota system and not appropriate in relation to the WG to discuss state aid guidelines.

After discussion, it was **agreed** that the ECSA/ETF spokesmen and secretariats should meet over lunch to discuss revised wording for the TOR, for consideration of the WG. The text prepared and tabled was **agreed** by the WG, with **ETF noting** that they understood the wording "in sufficient numbers" in the third paragraph to mean the employment of more EU seafarers.

A copy of the **agreed** text is **attached**.

It was further **agreed** that, in line with the agreement at the 10/12/08 Plenary, the text be forwarded to the Commission to enable any suggested amendments to be forwarded to the SP by the **end of April**, for consideration at the next meeting scheduled for 6th May.

3. OVERVIEW OF EU INITIATIVES IN RELATION TO SEAFARERS TRAINING AND RECRUITMENT.

- **EU Legislation**
- **Other non legislative initiatives by the Commission and/or the Social Partners.**

The Commission (DGTREN), in referring to recent legislation and initiatives, noted the recast of the Minimum Training directive 2008/106 and the MLC Directive, as well as the Strategy Paper 2009-18. In the latter regard, there was a focus on the human element, with a number of specific Community actions identified to address shortage of seafarers and the need to enhance the attractiveness of the maritime professions. In pursuing the objectives, a Task Force would be established with the goal of balancing employment conditions of seafarers and the competitiveness of the European fleet. Terms of Reference were currently being prepared, its members to be independent and drawn from the maritime cluster, research organisations, shipowners, seafarers and ship management, among others.

Under the Chairmanship of ex DGTREN DG, Robert Coleman, the general themes would be employment, training and working conditions, with the first meeting envisaged for June and the final Report coming forward with recommendations and a concrete action plan. An announcement about the Task Force would be made at the European Maritime Day events on 18-20 May.

In relation to the STW, enforcement and application by third countries and MS was being focussed on, with 12 assessments of 3rd countries and 4 of MS having been made. Based on a report from EMSA, there were problems relating to lack of compliance, and this would be taken up via the normal procedures, including infringement procedures as necessary.

A Communication on the social agenda, identifying concrete action and based on the work of the Task Force and involving an impact assessment, was envisaged by late 2010.

The Commission (DGMARE), in referring to the background of the 'Blue Book' in highlighting the development of maritime careers and the 'certificate of maritime excellence', noted the need to link between maintaining the competitiveness of the maritime sectors and employment. Transparency of qualifications across the different fields and enhancing the quality of persons were key elements. In that context, developing a system of transparency and ensuring quality systems of education to raise the opportunities of employment in the clusters were necessary. Addressing these issues was complex and needed the concerted involvement of all stakeholders, the Career Mapping exercise being a valuable project which could be built upon. As regards possible initiatives at the EU level, an analysis of the merits of current maritime certificates would be useful, with an exchange of best practice within the EU, as envisaged by the SP, being useful; the issue of mutual recognition also needed to be addressed. While there was limited EU competence in the areas of education and qualification, a number of parts of the Commission had a interest

and DGMARE could play a useful role in identifying where the maritime side sector benefit from EU opportunities, such as the ERASMUS and other EU programmes.

ECSA thanked the Commission for their reports and noted that SP involvement would be an important ingredient in the process. The approach towards training and recruitment was encouraging and the WG and workshop should be able to make a valuable contribution in that context.

ETF also thanked the Commission and stressed the need to deliver concrete results; in terms of employment of EU nationals, the shipowners needed to change their behaviour in employing third country seafarers. There was a risk of EU maritime clusters losing out to other maritime centres if significant numbers of EU jobs were not retained and enhanced.

4. PREPARATION OF JOINT ETF/ECSA WORKSHOP ON 'TRAINING AND RECRUITMENT'

- **Goals and content**
- **Timing, venue and funding**

ETF felt that an exchange of best practice involving as many outside stakeholders was required. The image of the industry and possible information campaigns should be addressed, with a separate EU funded project to undertake an in-depth study on all aspects of training. An ambitious approach was needed and more than a half day workshop.

ECSA felt that there was a need to discuss the contents of the Workshop, the agreed key outcome of the WG. While it could be useful to invite outside experts, there was considerable expertise from within the SP membership which should be exploited. To address the issues, a seminar of at least one day would be necessary.

In discussion, it was **agreed** that expertise within the SP should be used for the Workshop and, on EU funding, that the SP should apply under Budget Heading 04.03.03.01 "Industrial Relations and Social Dialogue".

It was **noted** from a report by the Commission that an application had to be made by 1st September, (with a decision from the Commission in October), that it was not normally the case to involve/pay outside experts as it was a Social Dialogue initiative and that a Workshop could take place outside Brussels. Given the process, it was noted that holding it in early 2010 was most practicable.

It was **agreed** that the 6th May meeting should be devoted to progressing the Workshop, with the Secretariats to give some prior thought to the initiative.

5. AOB

SP Studies by EU Agency 'Eurofound'

ETF drew attention to the possibility of EU Agency 'Eurofound' funding data research on issues identified jointly by the SP. Once agreed in principle, it would be for the SP to agree and supervise the work on an agreed topic.

ECSA, while positive to the possibility of such work being undertaken by the Agency, felt that the timing was not good given the actions the SP were involved in already, and the inevitable time necessary to initiate/supervise such work. It could well be that some research would be necessary after the Workshop and the possibility of using Eurofound should therefore be kept under review.

ISPS

ETF, as raised at the last Plenary, were seeking ECSA's support in requesting a review of the ISPS Code in the context of the growing piracy problem, their views set out in their letter to the IMO SG as circulated.

ECSA, while fully acknowledging the seriousness of the piracy issue, felt that it was a global question involving lawlessness the High Seas which could not realistically be addressed by reviewing the ISPS Code; it was, in any event, an international issue which should be pursued at the international rather than EU level.

ETF considered ECSA's position misguided, as the ISPS Code, which covered ships as well as ports, was clearly failing in its objective and specifically in relation to the "designated" rather than a "dedicated" ship security officer. It was consequently fully appropriate for the SP to raise this issue with the IMO; an opportunity was being lost.

6. DATE OF NEXT MEETINGS