



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

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

Brussels, 29 September 2014

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
INLAND WATERWAY TRANSPORT**

Minutes Working group meeting of 15 September 2014

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

The meeting was chaired by Mr Koning (employers), chairman of the committee. The agenda was adopted. The minutes of the last meeting (5 May 2014) were approved after changing some amendments submitted by the ETF.

2. Information by the European Commission

Ms Widera (DG EMPL, Labour Law Unit) informed the participants of the next steps with regard to the Commission proposal for a Council Directive implementing the European Agreement concerning certain aspects of the organisation of working time in inland waterway transport (COM/2014/452 of 7 July 2014). The Social Questions Working Group of the Council would discuss the proposal for the first time on 18 September 2015. The Italian Presidency had the intention to conclude this file during their presidency. The Parliament had received the proposal solely for information as foreseen in the case of social partner agreements implemented by a Council decision. The signatory parties exchanged information on some feedback they had received at national level, either from government or from the IWT business. The joint letter sent to all Member States in 2009 seemed to be unknown. The Commission representative stressed that during the study which was commissioned in preparation to the Analytical Document, all Member States had been contacted by the consultants. However, this would not mean every single organisation in the IWT industry had been reached. Ms Widera invited the social partners to share any information or question they received via their respective contacts; this could help eliminating any misunderstanding with regard to the objectives and content of the agreement. She would inform the parties on progress at their next meeting on 28 October 2014.

Ms Rousseau (DG MOVE) gave information about the new Commissioner-candidate and the ongoing work regarding a future framework on the harmonisation and modernisation of professional qualifications in the sector (external study to be finalised; next and last Common Expert Group on professional qualifications to be held on 6 November 2014 in Strasbourg; technical standards to be drafted by the CCNR MQ/G group in 2014 and 2015 as a transition before setting up of CESNI). She stressed that the Commission did not consider training as a barrier to mobility. However there were barriers to the mutual

recognition of professional qualifications. The objective was to come to high standards with a view to keep high safety levels. Asked about the involvement of social partners in the CCNR MQ/G group, Ms Rousseau confirmed that this group was primarily composed of governmental representatives; but other partners will be invited, similar to the Common Expert Group.

3. Work programme and working groups

Improvement of on-board working and living conditions and access to port side facilities: see draft report of the working group meeting hold on 18 June 2014 in Brussels. The employers thanked the ETF for the report and agreed that the ILO working paper was a good basis for further discussion. The parties should continue meeting at working group level, possibly before the next meeting. The final objective would be to prepare a project proposal to submit under the social dialogue call for proposals next year.

Harmonisation and modernisation of professional qualifications: the parties would participate in the last Common Expert Group on professional qualifications to be held on 6 November 2014 in Strasbourg.

Harmonisation and modernisation of manning requirements (crewing): see draft report of the working group meeting hold on 2 September 2014 in Amsterdam. The employers thanked the ETF for the report. EBU drew the attention on some information to be corrected (6th bullet point of the conclusions on page 2). ESO stated some points listed as conclusions were not yet consensual, for instance the statement that four years of sailing time was too long. Both sides agreed that it was important to express common positions where these existed. For instance, the issue of incomplete crew was not being dealt with any more by the CCNR after the social partners's joint position. After a further exchange of different points of the report, the parties were asked to submit their comments in writing to Ms Chaffart (ETF) within two weeks. The ETF would put these comments together and circulate those two weeks before the next meeting which will take place on 28 October 2014. The objective was to be ready for the roundtable at the CCNR on 5 November 2014. ESO committed to contact the CCNR to make sure that EBU, ESO and the ETF would be invited to the roundtable in addition to the national delegations. It was agreed to meet again at working group level after the assessment of the 5 November roundtable.

Uniform rules to apply social security legislation: this point was planned for 2015. The social partners stressed the need to follow closely the CCNR's work on the definition of operator ('exploitant'). EBU and the ETF considered that the way forward was to ask more Member States to sign up to the Article 16 Agreement. The social partners agreed to send a letter both to the Administrative Commission for the Coordination of Social Security Systems to ensure that the question of uniform rules of application remain on the agenda.

Unfair competition in IWT: a working group meeting had been planned but was cancelled due to the unavailability of a number of participants. In May, the parties had agreed to put on paper any concrete case of unfair competition they were aware of, with a view to come to a catalogue of cases to be studied together. It was agreed to search for a new date for the working group.

4. Draft agenda of the next meeting

The agenda would contain similar items, addint an information point on Platina 2 and the preparation of the 5 November roundtable.

5. Any other business

Ms Durst informed the participants about the preliminary planning of meetings for 2015, on the basis of three meetings.

Mr Bramley (ETF section president) informed the participants of the content of a letter sent by the SVS and Nautilus in Switzerland to the European social partners (see the letter). Since Switzerland was a member of the CCNR, it had no bilateral agreement with the EU regarding IWT. It appears that Swiss labour law does not apply outside Switzerland and that Rhine boatmen are excluded from Swiss labour law. The EBU reported that the issue was addressed within the CCNR work programme (vision paper). Possibly an agreement between the ETF and the IG River Cruise (within EBU) could be a way forward, since the problem concerned mainly river cruise vessels.

Mr Rusche (EBU) reported that the introduction of a minimum wage in Germany as from 2015 would entail the obligation for employers from abroad to declare who they employ each time they enter the German territory. EBU is currently investigating this in detail and will organise a specific seminar at the end of October. The ETF offered its possible assistance; therefore, EBU should let them know what kind of information they needed.

Participants 15.9.2014

<p>Employers (5 ♂, 1 ♀, 3 different Member States)</p> <p>EBU Mr Koning (NL) Mr Naaborgh (NL) Mr Rusche (DE)</p> <p>ESO Ms Beckschäfer (DE) Mr Kester (NL) Mr Lacour (FR)</p>	<p>Workers (8 ♂, 4 ♀, 7 different Member States)</p> <p>ETF Mr Bramley (ETF) Ms Chaffart (ETF) Mr Fernand (LU) Mr Jerabek (CZ) Mr Jung (LU) Mr Kerkhofs (BE) Mr Klein (NL) Ms Latron (FR) Mr Melvan (HR) Ms Obreshkova (BG) Mr Schatz (CH, observer) Ms Zec (HR)</p>
<p>European Commission</p> <p>Mr Bandasz (DG EMPL) Ms Durst (DG EMPL) Ms Rousseau (DG MOVE) Ms Widera (DG EMPL)</p>	