



Brussels, 28 October 2016

**SECTORAL SOCIAL DIALOGUE  
COMMITTEE RAILWAYS**

**Minutes of the Plenary meeting**

**13 October 2016**

The meeting was chaired by Mr Matthias Rohrmann (CER/AgvMoVe), president of the Committee, who welcomed all participants.

**1. Adoption of the agenda and of the minutes of the meeting on the 17 June 2015**

The agenda was adopted and the minutes of the meeting on 17 June 2015 were approved.

**2. State of play of the Relaunch of the European Social Dialogue for Railways**

President and Vice-President of the Committee explained in short statements that work on the relaunch has been ongoing over the year. Agreement has been achieved on the high-level participation in the plenary meeting, the creation of a steering group and two working groups. Differences persist on who should participate in the steering group. Both speakers expressed their intention to resolve these issues in the near future.

**3. Exchange of views on the strategy on decarbonizing transport with Mr. Fajardo**

For this and the following agenda point Mr Rohrmann welcomed Mr Fajardo member of the Cabinet of Csr. Bulc and responsible for rail transport.

Mr Fajardo explained that the Commission's strategy on decarbonizing transport lays out a broad action plan for the next years. It has three strands:

- More efficiency of the transport system
- More emission-efficient sources of energy (fuels)
- Higher vehicle efficiency.

He laid out that the strategy sees rail as part of the solution, whereas road, which is a main source of emissions is seen as an area where much emission-reduction should take place. An important initiative is the revision of the Eurovignette Directive with the aim to facilitate the internalisation of external costs (e.g. CO<sub>2</sub> emissions). The Commission aims to make a proposal for such a revision in spring 2017.

Furthermore the Commission aims to facilitate road charging on the basis of distance instead of time. The EETS directive shall facilitate the deployment of such distance-based e-tolling systems throughout Europe.

Whereas these two initiatives should help to improve the attractiveness of rail via the internalisation of external costs of road transport, the competitiveness of rail shall be improved via the full implementation of the 4<sup>th</sup> railway package; technical pillar as well as market pillar. For the latter the Commission expects to have the legislation in place by the end of the year. The Commission is aware that some deadlines will be tight for Member States and is therefore ready to provide support, while insisting on the implementation.

The Commission has announced a revision of the combined transport directive. It aims to provide incentives for combined transport without allowing for abuse by road transport. Building on the recently published evaluation a proposal will be elaborated.

The Commission wants to improve the functioning of rail freight corridors. For that purpose an evaluation and a public consultation were launched. Once both are available the Commission will look into which measures (legislation and/or soft measures) should be taken, thereby also taking into account the statement the sector made at the occasion of the TEN-T days in June 2016.

The Commission strategy also highlights the need for a consistent financing policy. The connecting Europe facility being one means, the Juncker-plan (EFSI) being another. The recent (September 2016) proposal for an extension of EFSI puts more emphasis on clean energy and compliance with the COP21 commitments, meaning that financing road-infrastructure would become exceptional.

On behalf of ETF, Ms Sabine Trier saw the action plan as an important initiative. She also drew the attention to a joined declaration of the social partners on rail freight which was signed by the social partners in June. She asked how the Commission relates to the suggestion for a big conference with all stakeholders in the field.

She welcomed the attempt to ensure a level playing field and address the issue of charges/taxes between the different transport modes. ETF is however concerned that establishing a level playing field should not go to the detriment of the working conditions in the rail sector. ETF also highlighted that the liberalization of the rail freight sector, which was done in view of increasing competitiveness of rail, has not lead to a modal shift towards rail. She highlighted that the draft PSO regulation as it stands does not assure a social level playing field between the bidders for contracts in public passenger transport in rail. This constitutes a problem for ETF.

Concerning the request for a conference Mr Fajardo referred to the annual Rail-Freight days which take place in December in Vienna. The idea for a dedicated conference is under discussion; if such event should take place all social partners will be involved from the beginning. He also assured that social conditions in road transport are seen as a substantial problem and that the Commissioner sees the working conditions in that mode as not acceptable. The Commission initiatives in the area of road transport will aim to ensure better compliance with the existing acquis. The idea of the revision will mainly be to clarify and simplify the rules so to facilitate their implementation and improving compliance. In particular the proposal is foreseen to address issues such as letterbox companies, illegal cabotage, rest time and driving time, access to the market and the

profession etc; it would be up to the social partners to agree on a specific social code. Public consultation on the road package is ongoing and will end on 5 December 2016.

For the rail sector the Commission does not see that market opening should lead to social dumping. For the PSO regulation it is foreseen that the competent authorities can foresee – in case a public service contract is tendered – social requirements with which bidders have to comply with. The rules also allow that in cases where a new operator wins a contract transfer of staff under equal conditions is required. According to Mr Fajardo, throughout the legislative process the main ideas have been maintained and where issues have not been strengthened, they have at least been clarified.

In line with the commitment made towards the European Parliament in the course of the adoption of the rail recast directive the Commission has extended the market monitoring also to social issues and is now starting to collect data on the social situation, which proves to be a difficult exercise.

Mr Rohrmann drew the attention to the joint opinion of the social partners on the rules to be applied in case a public service obligation is transferred to another operator, indicating that the social partners jointly disagree in that point with the Commission. He expressed dissatisfaction that a Commission which claims to be the Commission of social dialogue does not react more positively to this joint request of the social partners.

Mr Fajardo agreed with Mr Lochman that in road transport the European level allows the Member States to adopt strict rules, whereas in rail freight these rules are often more binding from the European level. This concerns charging for infrastructure use, internalisation of CO2 emissions and to a lesser degree provisions on noise emissions. Mr Lochman stressed that this inequality reduces the competitive position of rail freight as compared to road and regretted that so far there is little certainty how the future road package will look like. Mr Fajardo confirmed that it would indeed be premature to predict an outcome of the discussions but also ensured that the Commission is committed to implement the user/polluter pays principle but is attentive to political realities. To get a better picture how the different modes are subsidized and/or charged, the Commission has launched a study analyzing the financing and also subsidization mechanisms in place in the different transport modes.

CER agreed to the usefulness of a gradual approach and wondered why the Commission staff working document from December 2015 announced new noise limits without preliminary test and recommendations from ERA. The Commission clarified, that the mid-term acceptance of rail will also depend on the withdrawal of noisy rolling stock and on the need to send a clear signal to markets and industry to facilitate the development into that direction. An Impact Assessment undertaken to assess the foreseeable consequences supports the approach chosen, which foresees the gradual phasing out of problematic wagons.

Mr Greivelding stressed that it is essential for the trade unions that acquired rights of employees, in terms of pay as well as in terms of working conditions in general are fully maintained in case of a transfer of undertaking. He also pointed to the suggestion of the social partners in their joint declaration to set up a fairness plan.

Mr Fajardo was astonished by the statement that some new operators in France use diesel engines on electrified lines, also because of easier interoperability across networks, thus counteracting the environmental objectives. He suggested that this could be dealt with by

an adequate taxation of diesel and potentially a better interoperability which is aimed at by ERTMS.

#### **4. Women in Rail and attractiveness of the sector**

All participants agreed that the rail sector will only be able to become a more attractive mode of transport, if it becomes an attractive employer for young people and women – even more so as the average age of workers in the sector is in several countries quite high, so that a significant part of the work-force will retire in the near future. Social partners pointed to their recently finalised project. To support the attractiveness strategy for the rail sector, Mr Fajardo suggested the social partners to look into the possibilities of developing a ‘Blueprint for Sectorial Cooperation on Skills’, to improve the skills intelligence and tackle skills shortages in the sector in a coordinated way.

ETF welcomed the efforts of Csr. Bulc towards more gender equality and attractiveness of the sector and expressed the wish that future work at EU level should focus on a) job security and stability as the most important issue for all employees; b) narrowing the gender pay gap and thereby going beyond information activities towards more prescriptive approaches (such as gender equality monitoring and plans); c) breaking of stereotypes, which is best done with a sector or even profession specific approach. In responding to this Mr Fajardo stated that the Commission has understood that the rail sector is looking for a stable legal framework. Ms Busschots (CER) summarized the results of the 3<sup>rd</sup> survey on Women in Rail, which was conducted in 2015. It concludes that 20% of the sectoral workforce are women, with no big differences between East and West. In some areas, such as on-board-personal but also with management positions, (slight) improvements have been registered, however, in particular technical professions still suffer from very low numbers of women getting involved and the European level was suggested to help raising the attractiveness of scientific, technical and engineering professions for women. The most popular measures to increase the attractiveness for women are flexible working times including reduced weekly working times, support for (child)care, and – where this is possible – teleworking. ETF reminded all representatives that the questionnaire for the 4<sup>th</sup> survey had been launched and asked for active participation in this survey.

#### **5. Debate on railway security for passengers and workers**

Mr Drewes from Nederlandse Spoorwegen (NS) presented a short film informing about recent activities of NS to increase security of passengers and on-board personnel. Main points were: more video-surveillance in stations and trains, use of access gates, new uniforms for staff mainly to increase their visibility, at least two members of staff (working side by side) on high-risk trains, trials with bodycams, and bans for troublemakers. In the discussion it was clarified, that these measures were discussed with the trade unions and with the general public before their introduction. Whereas NS would like to have on-board personnel in all trains and at all stations, in practice contact points are sometimes only provided by interphone systems.

Ms Fiorentino, security expert from Ferrovie dello Stato Italiane (FS) and secretary general of COLPOFER, presented the activities undertaken by the Italian Railway (railway undertakings and infrastructure managers) to improve rail security (see ppt). She confirmed that in these activities trade union representatives are involved.

Mr Dedecker, SNCF, security directorate, presented the efforts of SNCF to ensure the security of customers and staff (see ppt).

Finally Prof. Neubeck from Deutsche Bahn AG (DB) informed the Social partners about the activities of DB (see ppt), activities which account for an annual budget of 160 million Euro. In the area of assaults on employees DB started with a systematic registration of all incidences to understand the full extent of the problems. Thereby 'security' is an area of good cooperation between trade union and DB management and each case of violence is carefully analysed to better understand and avoid.

Social partners agreed that the 'daily' crimes and violence on all sorts of trains are the main problem. ETF pointed to their request to have personnel on board of all trains and stations and that ensuring security on trains also requires decisions of a political nature. Railway undertakings also indicated that the tender documents in case of procurement procedures differ largely: in some cases security concepts and staffing requirements are laid out in detail, whereas in others the requirements remain quite vague.

Upon request the safety experts from DB and SNCF indicated that they see no direct need for additional legal instruments, whereby for France reference was made to the newly strengthened legal framework. However, for France the legal system was seen as not being so well equipped to deal with insider threats.

#### **6. Exchange of views with Mr Josef Doppelbauer (Executive Director of the EU Agency for Railways)**

Mr Doppelbauer explained the strategy of ERA, following the entering into force of the technical pillar of the 4th Railway package (see ppt). In the area of accident investigation he reported that ERA would like to count on the social partners to also argue in the Member States towards the National Investigation Bodies (NIB) that employees contributing to an accident investigation should not be exposed to a risk of prosecution.

Mr Doppelbauer confirmed that the agency has the objective and the mandate to work towards more transparency concerning accidents and near accidents. So far an open sharing of information meets some resistance; therefore the agency goes for a stepwise approach. He also stressed that a reporting on occurrences should not be (mis-) understood as an only retro-active instrument, but as a means to learn and so to be able to avoid such incidences in the future. He agreed to ETFs remark, that the appropriate checking of technical equipment constitutes an important element of safe operation, the potential problem being insufficient implementation. He was open to look into the use of equipment to further improve security, such as the digital tachograph, which was seen critical by CER.

Asked for recent developments on the train drivers directive, he mentioned an upcoming meeting, where a short term solution for the linguistic requirements for drivers operating across borders should be discussed, also indicating that further (longer-term) steps would be needed to facilitate drivers driving outside their country.

#### **7. Social Partner's projects**

Ms Pfaff gave a short presentation of the results of the recently finalised project 'Promoting employment and attractive working conditions in the European Rail sector'

(see ppt and final report). A small group of CER and ETF will draw political conclusions and present those to the next working group meeting.

Ms Trier informed about the new project proposal on the assessment of the implementation and application of social partners' agreement on certain aspects of working conditions of mobile workers. The agreement which was concluded in 2004 and for which social partners had asked for implementation via a Council Directive (according to Art. 155 TFEU) became national law in 2007. The agreement includes a clause according to which the social partners plan to review the implementation concerning the clarity of the rules, their implementation and the quality of the monitoring process. Taking this opportunity social partners aim also at collecting information on the development of cross-border services which are affected by the agreement. The information needed will be gathered in a survey and via workshops in the countries concerned. At the end of the project social partners expect to have a better understanding on the effectiveness of the agreement and potential needs for further improvements.

## 8. AoB

In his closing remarks Mr Rohrmann thanked Mr Greivelding very warmly for his efforts for the sectoral social dialogue and the constructive cooperation over the last years. Mr Greivelding will retire in spring 2017, but he will be invited as a guest to the next SSDC plenary. Mr Greivelding thanked Mr Rohrmann and the other members of the Committee for the cooperation and friendship since his start in 1998, also regretting that the Committee only managed to conclude two agreements.

### Participants

<p><b>Employers 22 (12 ♂, 10 ♀)</b></p> <p><b>CER</b>            Mr AMBROSINI (SNCF, FR)            Ms BEATSE (SNCF, BE)            Ms BUSSCHOTS (HR Rail, BE)            Ms CALDANA            Ms CESCOVA (SZDC, CZ)            Mr DEDECKER (SNCF Security, FR)            Ms FIORENTINO (FSI security, IT)            Mr GHILARDI (FSI, IT)            Ms GRAU (SNCF, FR)            Ms HAVLOVÁ            Mr HUSKA (ZSR)            Mr KOUCKY (SZDC, CZ)            Ms LANG (SBB, CH)            Mr LOCHMAN            Mr Prof. NEUBECK (DB, DE)            Ms PFAFF (Agv MoVe/DB, DE)            Mr ROHRMANN (Agv MoVe/DB, DE)            Mr TORTORI (FSI FSI Brussels)            Mr WALLIN (Almega/ASTOC, Sweden)</p>	<p><b>Workers 18 (10 ♂, 8 ♀)</b></p> <p><b>ETF</b>            Mr Abdissi (CGSP Cheminots, BE)            Mr Aufrere (FGTE-CFDT Cheminots, FR)            Ms Carstens (EVG, DE)            Mr Elonen (Veturimiesten liitto, FL)            Mr Gobé (CGT, FR)            Mr Greivelding (FNCTTFEL, LU)            Ms Guérin (ETF)            Mr Jones (Unite, UK)            Mr Lopez (FeSMC-UGT, ES)            Mr Martin (CGSP Cheminots, BE)            Ms Marzola (FILT CGIL, IT)            Ms Mindum (RWTUC, HR)            Mr Piteljon (CGSP Cheminots, BE)            Ms Romanova (RWTU, CZ)            Mr Tauchner (VIDA, AT)            Ms Trier (ETF)            Ms Villa Diez (CCOO, ES)            Ms Zlatkova (FTTUB, BG)</p>
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<p>Mr WHEALE (ATOC, UK) Mr WOJCIECHOWICZ (PKP, PL)</p> <p><b>EIM</b> Ms Roussel</p>	
<p><b>European Commission</b> Mr Fajardo (CAB, MOVE) Ms Caspar (EMPL) Mr Grillo (MOVE)</p>	<p><b>ERA</b> Mr Doppelbauer</p>