



**EUROPEAN COMMISSION**  
Employment, Social Affairs and Inclusion DG

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

Brussels, 2 February 2016

**SECTORAL SOCIAL DIALOGUE  
COMMITTEE  
RAILWAYS**

## **Minutes of the "Employability and Equal Opportunities" working group meeting**

**9 October 2015**

The meeting was chaired by Ms. Marzola (workers), chair of the working group. She welcomed all participants.

### **1. Adoption of the agenda and of the minutes of the meeting on 3 March 2015**

The agenda was adopted and the minutes of the meeting on 3 March 2015 were approved with the changes suggested by CER.

### **2. Security for Staff against third party violence/aggression**

Ms. Alena Havlova (CER) presented the results of the CER survey on the implementation of the CER/ETF Recommendation "Promoting security and the feeling of security vis-à-vis third-party violence in the European Railway Sector" (see ppt). The survey indicates that there is no clear trend in the sense of an increase (or decrease) of third party violence, instead peaks are more linked to big events (such as Olympic Games etc.). Awareness of the joint recommendation varies very much between companies. The survey does not allow for a conclusion whether the recommendation so far had a positive impact so to reduce aggression. Assessments of the effectiveness of measures taken against third party violence happen primarily at company level. Cross-company exchange of experience is very limited.

In the discussion Ms. Havlova clarified that the survey was sent exclusively to the CER contact points. Subsequently ETF asked to obtain the questionnaire and potentially add or modify some questions. ETF agreed to send a survey also to its contact points/works-councils to obtain also the information from non-CER members.

It was agreed that it would be important to better understand the causes of violence, also wondering whether and to what extent factors such as changed social values (e.g. an overall more rude behavior) or managerial decisions were reasons for this development. Along this line staffing decisions, such as less staff in trains and stations or the outsourcing of (security related) tasks to specialized (temporary work) agencies, different ticketing systems could have an impact on the atmosphere in trains and stations and subsequently on prevalence of violence. Considering the problems of aggressive behavior

around railway infrastructure, CER stated that it would be useful if also EIM sent the questionnaire to its members, so to improve the knowledge.

Mr. Robert Missen (DG MOVE, HoU, Unit Land and Maritime Security) reported on the recent activities of DG MOVE's expert group on Land Transport Security (LANDSEC). He indicated that for land transport there are – different from aviation – so far no EU-wide security rules. He confirmed that there is no intention at EU level to introduce aviation-like security systems to the rail system or to propose rail marshals etc. Instead the aim would be to increase security and the feeling of security without hindering the functioning of the system or reducing its attractiveness.

He saw, following the failed terrorist attack on a Thalys in August 2015, increase willingness of Member States to put the theme on the agenda, so that – for the first time since years – it was discussed at the Ministerial Transport Council in Luxembourg (8/10/2015).

Asked whether ERA would be charged to organize a working group to address these security questions, Mr. Missen clarified that such statement is premature. ERA's assignment is to deal with questions of safety, not security. Furthermore ERA's role is not to develop new policies, in so far involving ERA would require a specific mandate.

Prevention will have to play a key role. Therefore training of railway staff and of other people regularly working in and around railway stations (e.g. newsagents, personnel in shops etc.) – to identify potential risks (unattended luggage as well as strange behavior) and to develop basic knowledge how to deal with such situations are instruments which could/should be used more systematically.

The Commission will focus on international and high-speed trains, as this is an area where an added value of EU-level intervention can be defended.

In the following intervention Ms. Catherine Jarrige (Colpofer) presented the work done by COLPOFER (see ppt) on Anti-social behavior in the railway environment and aggression against railway staff.

Anti-social behavior describes 'incivilities', i.e. bad behavior, such as littering, loud music etc, which in itself in general is not (yet) a crime, but which might make surrounding passengers and staff feel uneasy with associated negative consequences for their satisfaction and performance. Furthermore anti-social behavior can also trigger aggressive reactions.

Ms. Marzola reported on the 4 actions undertaken jointly by the Italian Ministry of Interior, Railway undertakings and trade unions, to improve security of staff on trains (see ppt). These actions got urgent following an attack in June.

In summarising the security theme:

- Security should be on the workprogramme of the Committee in 2016.
- The joint recommendations needs further follow-up.
- Further knowledge needs to be collected: via the survey but also qualitative type of information – to e.g. better understand the role the work organization can play
- Prevention and training should play a key role.
- DG MOVE is interested in input from the social partners, in particular ETF, on the topic.

### 3. News from the 4th Railway Package

Mr. Jan Scherp (DG MOVE, Unit Legal Matters and Infringements) for the political pillar and Ms. Elisabeth Hochhold (DG MOVE, Unit Single European Rail Area) for the governance part, informed about the state of play with the 4<sup>th</sup> Railway Package. The Ministerial Transport Council had at its meeting on 8/10 unanimously agreed on a general approach to the political pillar. The next step will be the interinstitutional negotiations (trilogue), to arrive at a joint position of Council, Parliament and Commission. These negotiations should start in November. Based on the impression that positions of the institutions are not that far from each other, an agreement in the 1<sup>st</sup> half 2016 seems possible.

The agreement was presented as a compromise which foresees on the one side to stick to the principle of competitive award of service contracts and on the other hand provides for a number of exceptions. The transition periods during which directly awarded contracts can still be in place are 2036 or 2041 in case the contract required substantial investment in rolling stock. While the Commission has put its reserve on the decision of the Council, it is aware of the difficulties to arrive at this agreement.

Upon request from ETF and CER the Commission indicated that so far the social provisions proposed by the social partners (changes to Articles 4.5 and 4.6) in their joint opinion and taken up in the position of the Parliament were no issue of discussion at the Ministers' meeting, but are expected to come in during the negotiations. So far social and environmental criteria are not considered among the obligatory performance criteria to be assessed when attributing a PSO contract.

Both ETF and CER underlined the importance of the railway sector as employer and its contribution to the EU overall economy and called on the Commission to take this into account, especially given the importance attributed to social aspects and to dialogue with social partners by Commission President Juncker: the Commission said that this point was fully taken. CER also asked that the parts of the interpretative guidelines related to the social provisions currently included into the PSO Regulation – published earlier last year and particularly useful and clear – are taken into account by the Commission and integrated in the text of the revised Regulation.

For the governance part Ms. Hochhold indicated that the text as it stands foresees similar independence requirements for various situations, thus in particular separating infrastructure and railway operators. The number of these requirements has been reduced and they became more flexible in the negotiation process so far. She further explained that the new legislation will foresee possibilities for exemptions with and without requirement of notification to the Commission. Exemptions without notification requirement concern mainly the 'last mile' freight and small passenger networks, whereby it is important to look into the detailed provisions. A re-integration of railway undertakings will – under certain conditions – be possible. ETF stressed that the independence requirements should not hinder an internal labor market between infrastructure provider and railway operator.

Ms. Marzola closed the morning session, thanking the speakers and the participants for an interesting session.

**Participants**

<b>Employers 11 (4 ♂, 7 ♀), 5 MS</b>  <b>CER</b>  <b>EIM</b> Ms. Angeli (EIM)	<b>Workers 10 (5 ♂, 5 ♀), 7 MS</b>  <b>ETF</b>
<b>European Commission</b> Ms. Caspar (EMPL, B1) Ms. Hochhold (MOVE, B2) Mr. Missen (MOVE, A4) Ms. Obst (MOVE, B2) Mr. Scherp (MOVE, A5)	