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Employment, Social Affairs and Inclusion DG

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

29 February 2012

**DRAFT MINUTES OF THE 29/11/11 PLENARY SESSION MEETING OF
THE MARITIME TRANSPORT SECTORAL SOCIAL DIALOGUE COMMITTEE**

Those present:

Trade union representatives:

1. Mr Tomas Abrahamsson (SE)SEKO
2. Mr Philippe Alfonso, ETF Secretariat
3. Mme Mille Bondo Meyer (DK), Danish Maritime Officers
4. Mr Jean-Philippe Chateil (FR), CGT
5. Mr Remo Di Fiore FIT CISL
6. Mr Manuel Dominiguez (ES), ETF
7. Mr Thomas Favrel (FR) FNSM CGT
8. Mr Rémi Gelmini, ETF Secretariat
9. Ms Line Heimstad (NO), Norwegian Seafarers' Union
10. Mr Milan Jerabek (CZ), OSN/TUS
11. Mr Joël Jung (LUX), OGBL
12. Mr Joël Jouhault (FR), UFM, CFDT
13. Mr Jacques Kerkhof (BE) BTB ABVV
14. Mr Olivers Kronbergs (LV), UTAF
15. Mr Francois Le Gall (FR), UFM, CFDT
16. Mr José Miguel (ES) CC.OO
17. Mr Adrian Mihalcioiu (RO), RSV
18. Mr Algis Mikalajunas Povilas (LT) Lithuanian Seamen's Union
19. Mr Vladimir Miladinov (BG), FTTUB
20. Mr Rolf Monloup (FR), FOM,
21. Mr Roger Opdelocht (BE) BTB ABVV
22. Mr Henryk Piatkowski (PL) Polish Seafarers' Union
23. Mr Vladimir Svalina (HR) Seafarers Union of Croatia
24. Mr Giacomo Santoro (IT) FILT CGIL
25. Mr Jean-Pierre Teral (FR), FEET'S FO
26. Ms Kaia Vask (ET) EMSA

Employers' representatives:

1. Mr Simon Bergulf (DK), DSA
2. Mr Armando Boccardo (PT), AAMC
3. Mr Bent Christian Christoffersen (NO), NSA
4. Mr Alfons Guinier (EU), ECSA
5. Ms Runa Jörgens (DE), VDR
6. Mr Thomas Kazakos (CY), CSC
7. Mr Georges Koltsidopoulos (GR), UGS

8. Mr James Langley (UK), ICS / ISF
9. Ms Edith Midelfart (NO), NSA
10. Capt. Christian Rorbeck(DK), Guest speaker
11. Mr Tim Springett (UK), UK Chamber of shipping
12. Mr Christophe Tytgat (EU), ECSA
13. Ms Pia Voss (DK), DSA
14. Mr Wim Waanders (NL), KVNR

External experts: Ms José Durieux and Mr Marteen Verjaal (NL), Yellow submarine

European Commission

DG Employment, Social Affairs and Inclusion:

Ms Nataša Kokić

DG MOVE:

Ms Anne Devouche

The **Chair** welcomed all participants and explained that Mark Dickinson being absent, he will be exceptionally replaced by Mr Philippe Alfonso who will act as ETF spokesperson.

1. Adoption of the provisional agenda

The agenda was approved subject to the following two amendments:

- AOB – Corporate Social Responsibility (CSR) and Status of Maritime Social Agenda
- New item 7 – Election of SSDC Chairman and Vice-Chairman for the next two years.

2. Adoption of the draft summary record of the SSDC WG meeting of 23.9.2011

The draft minutes from the SSDC Working Group meeting of 23 September 2011 were adopted.

3. Matters arising from the last meeting

a. Onboard organisation of work – Presentation by Captain Rorbeck on administrative burdens;

As previously agreed by both social partners, **ECSA** elaborated a paper on this issue, which was eventually circulated amongst the SSDC members. The employers' organisation stressed the need to further discuss the way forward regarding this question of onboard organisation of work.

Captain Rorbeck gave a comprehensive presentation on administrative formalities to be fulfilled by captains onboard ships, which create a significant administrative burden. He highlighted the large quantity of forms to be completed and stressed that these forms often differ from one country to another. He also underlined the difference between the EU and the rest of the world. One of the examples he gave was that a sea voyage to 6 EU Member States requires preparation of 80

different documents (as opposed to the same voyage by car or truck) and this makes the captain's work very complex and burdensome. Furthermore, these administrative documents are to be prepared very often in different languages. It would be much easier if these documents could be sent by email.

ETF first insisted on the potential safety risks posed by the running of administrative burden, taking the example of a captain whose attention might be distracted because of the requested paperwork he has to perform. ETF also underlined that this presentation came on time as it complements the ECSA paper on onboard organisation of work, providing concrete examples that should be used in the paper in order to better understand the size of the tasks to be handled. Besides this, ETF stated that ECSA's document was a sound basis for further discussion in the context of the SSDC, stressing however that the document was mainly focused on training and technology, which could be used to reduce such workload, but it was remaining somewhat silent on the question of maritime safety, and most specifically on issues such as fatigue, accidents and the adequacy of manning levels.

ECSA endorsed the view, expressed by Captain Rorbeck, that the many administrative formalities create unnecessary burdens for captains. ECSA agreed to insert the presentation/examples of Captain Rorbeck in its paper on onboard organisation of work and ECSA expressed the hope that the European Commission (DG MOVE) would assist social partners on this issue.

ECSA also suggested drafting an Action plan on this issue, which would identify existing administrative formalities as well as the relevant people in the relevant Commission's Directorate Generals to discuss these formalities. The European Commission (DG MOVE) would act as point of entry. As regards the request of ETF to expand the scope of the ECSA paper with e.g. fatigue, ECSA agreed that this was a very important issue but felt that it would be reduced with a reduction of the administrative burden onboard.

The **European Commission** (DG MOVE) underlined that it would be useful to check the justification of the documents, to identify possible duplications and simplification. The EC could assist social partners with this task. It is important to single out important documents and to simplify the procedures. Both social partners raised also the issue of e-maritime as a way to reduce administrative burden, calling the EC to take this dimension into account.

Conclusions: ETF and ECSA will jointly draft an Action plan to be discussed at the next SSDC meeting. This Action plan will be presented to DG MOVE that will assist with its expertise.

b. Update of the Career Mapping 2 project;

This is one of two joint projects that should be submitted before the deadline in March 2012. The consultants had prepared draft Terms of Reference but the social partners have asked for further clarifications.

ETF suggested discussing the proposed amendments to the first outline between the two secretariats. ETF also pointed out the need to go beyond a simple update and to better define the way this project should be carried out.

ECSA agreed and pointed out that the clarifications from the consultations should assist the Steering Group to agree on final terms of reference by end January latest). Possibly the consultants could be invited to attend the small WG meeting in January but their costs of travelling should be borne by ECSA/ETF (since there will not yet be any EU funding at that time).

Conclusion: This project must be ready for the submission in March 2012. The ECSA/ETF Secretariats will check the draft proposal before Christmas and will exchange views in order to prepare final ToR and the budget by end January 2012.

c. Update of the Guidelines on Bullying & Harassment project

ETF prepared a first draft for this project. The budget should be added at the later stage. The project will try to assess the level of implementation of the guidelines on the ground as well as draw awareness among the shipping companies on the existence of these guidelines, encourage them to use them and to update them. ETF also pointed out the need to include into these guidelines a reference to the support aimed at helping the victims to cope with the trauma caused by harassment and bullying practices. The idea is to have a free online access to the Guidelines via a dedicated website and a 24/7 telephone line. Also, social partners would like to produce a training package. This project should start after the summer 2012.

ECSA was quite satisfied with the draft produced by ETF. However some parts would need some clarification. ECSA and ETF have already an agreement to establish a steering group for this project. As for the proposed hotline, both social partners agreed that further reflection was needed (provider, languages...). As regards ECSA's question related to long-term involvement, ETF explained that this should be something useful for the industry on a long run. ETF also raised the possibility to hire an external consultant and ECSA advised that possibly the European Cruise Council could be involved in this initiative.

Conclusions: The Steering Group should agree on final terms of reference by end January. The European Cruise Council will take part in this update.

4. Report items

a. Criminalisation of seafarers

Current state of play is as follows: A joint demand ECSA-ETF has been sent to Mr Fotis Karamitsos (DG MOVE) in order to discuss criminalisation and fair treatment of seafarers. Neither ETF nor ECSA have received a reply from Mr Karamitsos.

ETF promised to continue with the paper on criminalisation of seafarers but more time was needed. The ETF recalled that a study on fair treatment of seafarers was carrying out by ESAC/SRI and a project has been submitted to the European Commission but has regrettably been refused. The project will nevertheless be carried out with the seafarer's organisation. ETF will wait for the outcomes from this project before submitting a paper to the SSDC on fair treatment and criminalisation of seafarers

Conclusion: The SSDC noted this information and decided that a reminder will be sent to Mr Fotis Karamitsos (DG MOVE).

b. Piracy

A hearing on Piracy has been organised on 12 October at the European Parliament. After the hearing, ECSA and ETF issued a joint press release. ECSA and ETF were very pleased with this meeting, the importance of the audience and the fact that they could work with MEPs on this issue. Since a dedicated EU special representative was appointed for the Horn of Africa, it was suggested inviting this special representative at a next SSDC meeting.

ECSA and **ETF** insisted on the need to plan further concrete actions regarding this issue of piracy, highlighting that this question will be high on the agenda of the Danish presidency.

Conclusions: A possible event related to this problem could be organised next year. It would be good to meet the EU special representative for the Horn of Africa.

c. Working methodology

This item is postponed. ETF has not finalised yet its position and this matter will be discussed at ETF's meeting in February 2012.

Conclusions: The ETF may come back to this issue but not before the summer of 2012.

d. Social Network - Maritime Community 2.0;

A presentation on social network has been given by Mr Marteen Verjaal and Ms José Durrieux.

This is a profile based website as Facebook, built for maritime and energy sectors where candidates and employers can update their profiles. They can match automatically through an automatic matching platform. The aim is to build an offshore and maritime community at global level.

They explained that the best performing companies connect through social media to attract new people. Therefore, social partners are invited to give their opinion. This should be also a promotional tool – nice place to go and to find information. It is very important to contact and include governments, maritime organisations and other people interested into this sector. As a promotion side, they are seeking for cooperation with semi-governmental bodies. At the moment they are in touch with the major maritime academies in Europe to see if they are interested. This could be a good tool to attract young people on board. However, participants to the meeting casted some doubts on the fact that there were grey areas as regards the financing of this initiative.

Video from the presentation: <http://www.youtube.com/watch?v=QzZyUaQvpdc>.

ECSA questioned the added value of this initiative since there are already similar initiatives at national level.

Conclusions: the **SSDC** noted this information.

e. Work programme 2012

A draft work programme has been elaborated by ETF, in close cooperation with ECSA, which is very similar to the programme from 2011. ETF underlined that many issues from 2011 were not tackled and therefore should remain for 2012. Important items that need to remain included in the work programme are: MLC implementation, the Task force report on Maritime Employment and Competitiveness (TFMEC), training and recruitment, exclusions of seafarers and health and safety. ETF particularly underlined issues on health and safety and security of seafarers that should receive more attention.

ECSA agreed with the proposed working programme for 2012. ECSA wondered whether there would be room to tackle health and safety in 2012 but agreed to keep it on the work programme.

Conclusion: Work programme for 2012 was adopted.

Work programme is in the attachment.

f. Schengen Visa

ECSA made an update on Schengen visa for seafarers. ECSA met with DG HOME and a number of MS to discuss problems and to identify possible solutions. A dedicated Schengen Visa subgroup was created for this matter. The meeting resulted in an agreement to prepare a number of concrete examples with potential solutions for possible insertion in the Schengen Visa Handbook. Then, it should be presented to the European Commission that will, together with MS decide whether there is a need for further discussions.

Conclusion: The ultimate objective is to amend the Handbook on Schengen Visa. Work continues on this issue.

AOB

1. Communication on CSR:

ECSA asked for some clarifications as to what is concretely expected from social partners in the context of the Communication on CSR – inclusion of social partners on p.8. DG EMPL will send an answer in writing.

2. Forthcoming Social package:

DG MOVE (Anne Devouche) gave an update on current issues. The so-called “social package” will finally be made of a general communication which will be complemented by a proposal on a revised STCW Directive and another one on an MLC Enforcement Directive. The STCW proposal is the more advanced one (although the European Parliament did not initiate yet its work - the EP rapporteur, Brian Simpson, is likely to draft his report beginning of 2012) and it should be brought to COREPER soon. As regards MLC – it is still ongoing and there are some legal discussions. Plan is to have it ready for January 2012. The broad communication should also be finalised in 2012.

The **Chair** also raised the issue of State aid regime and its possible review. Participants were told that DG COMP was likely to launch a broad consultation in December 2011.

8. Dates for 2012

Meetings for 2012 will be as follows:

- 27 March (Tuesday)
- 13 June (Wednesday)
- 7 December (Friday)

9. Election of the chair and vice chair

Thomas Abrahamsson (worker's association) has been re-elected to be a chair
Vice chair – Mr George Koltsidopoulou (employer's association)