



EUROPEAN COMMISSION

DG Employment, Social Affairs and Inclusion

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

Brussels, 21 November 2011

**SECTORAL DIALOGUE
COMMITTEE
RAILWAYS**

Concise minutes of the Steering Committee meeting

31 March 2011

The meeting was chaired by the chairman of the committee, Mr Gamez Ramirez (workers). The agenda was adopted. The minutes of the meetings of 9 November 2010 (working group I and steering committee) were adopted.

(1) Information by DG Mobility and Transport (DG MOVE)

Mr Castelletti, Head of Unit "Rail transport & Interoperability", informed the participants of relevant sectoral developments having social implications: state of play of the proposed recast of the first railway package and implementation of the first package; third edition of the rail market monitoring scheme RMMS; draft handbook for the implementation of the Rail Freight Corridors¹; EU accession to COTIF possibly by the end of the year; dialogue with Russia (non-exhaustive list). He also reported on developments related to interoperability and safety, including the end of the ex-post evaluation of the European Railway Agency activities of the first five years, and the impact assessment to be launched with a view of the possible revision of the ERA legislation. The social partners would be properly involved in the impact assessment. The social partners had several questions related to the new White Paper on Transport².

CER drew the attention on the fact that contrary to what was indicated in the Commission staff working document, negotiations on the number of consecutive rest periods away from home and of compensation for such rest away from home were not going on any more. The employers wanted to know what was meant by the statement that "the need to harmonise working conditions also for domestic rail services still need to be assessed". Mr Castelletti informed the parties that the Commission services had not yet launched any reflexion on working conditions for the domestic market and that it was not planned in the near future. He added that trade unions were keen on harmonised working conditions at national level.

¹ http://ec.europa.eu/transport/rail/infrastructures/rail_freight_oriented_network_en.htm

² http://ec.europa.eu/transport/strategies/2011_white_paper_en.htm

ETF regretted that contrary to the other modes of transport, the White Paper proposed no social initiative for the rail sector. Against the background of permanent restructuring of the sector, this was hardly understandable. The workers' side reiterated its opposition to the liberalisation of the domestic rail passenger market and noted that the Commission staff working document was not coherent when proposing amendments to the market access regulation and to the PSO regulation in different years, the latter to be transposed only by 2015. Mr Castelletti reported that the Commission services were starting to discuss domestic market opening. An impact assessment would be launched on this in the coming months, properly involving the social partners. Currently the domestic rail passenger market was mainly under PSO (around 90%), therefore changes could only be made by changing the PSO regulation. Different options would be carefully studied, taking into account the complexity of the matter.

In this context, EIM reported that the Swedish market worked well with tendering processes; this case should therefore be studied by the Commission.

Furthermore, the workers' side announced that they would send their comments on the draft handbook without further delay. Asked about the certification of other on-board staff, Mr Castelletti confirmed that the Agency was carrying out a study which would serve as a basis for the Commission to issue a communication after the summer break. Here again, the social partners would have the opportunity to discuss this further with the Commission services. There was also an exchange on how the annex to the train driver certification directive which was based on a social partner agreement could potentially be amended.

(2) Information by DG Employment, Social Affairs and Inclusion (DG EMPL)

Ms Durst from the Social Dialogue Unit gave information on recent developments: state of play of the study VT/2010/031 on the implementation of Directive 2005/47/EC (rail agreement); the planned launch by the Dublin Foundation of a comparative analytical report on employment and industrial relations in the rail sector; the new Commission report on industrial relations in Europe³; the last Tripartite Social Summit⁴; and the conference "Towards the European Year of Active Ageing and Solidarity between Generations (2012)"⁵.

(3) European Railway Agency (ERA) activities

The social partners agreed to invite the Executive Director to the plenary meeting, asking him to present the Agency's work programme and to focus on social and safety related questions. The parties would further specify the subjects to be addressed. The social partners then exchanged their views on developments in different working groups of the Agency (training centres). ETF welcomed the fact that the Agency wanted to deal with health and safety issues in a horizontal way in the future. CER reiterated that the working groups' working method was too much focussed on procedures rather than on content. Mr Grillo from the Rail transport & Interoperability Unit (DG MOVE) stressed that the

³ <http://ec.europa.eu/social/main.jsp?catId=329&langId=en>

⁴ <http://ec.europa.eu/social/main.jsp?langId=en&catId=329&newsId=1004&furtherNews=yes>

⁵ <http://ec.europa.eu/social/ey2012.jsp>

social partners should not only be consulted on matters related to professional qualifications, but also on those related to health and safety conditions at work, as clearly specified in Article 6(8) of Directive 2008/57/EC. Problems with the social partner consultation could possibly be addressed in the planned revision of the ERA legislation (see above).

(4) Insecurity and feeling of insecurity

Ms Nova, the expert designated to draft a report on the outcome of the survey, presented the findings and the draft version of the report on the implementation of the joint recommendations signed by ETF, UITP, IRU and supported by CER and CEEP in November 2003. Although it was not possible to demonstrate that things had happened as a consequence of the recommendations, the answers and identified good practices showed that the recommendations had addressed the right subjects. There were nevertheless some question marks: some companies reported that there was a reporting system but they did not provide any figures. The social partners welcomed the findings as a starting point. Instead of trying to close the data gap, they agreed that it was much more important to identify which measures had a real effect on the ground. It was agreed to present the findings briefly at the plenary meeting and to discuss the way forward on the basis of a written concept.

(5) Preparation of the plenary meeting and the work programme 2011-2012

It was decided that the designation of the new president and vice-president of the committee would take place at the beginning of the plenary meeting. CER announced that they would propose Mr Müller as president (currently vice-president); ETF said that Mr Gamez Ramirez would be the new vice-president. The mandate of the working group presidencies was four years⁶.

The social partners had an exchange of views on the new work programme. By way of introduction, Ms Trier (ETF) raised concerns over amendments for which CER had lobbied for in the context of the recast of the first railway package, particularly the one regarding the establishment of minimum service obligations in case of strike. In the workers' view, such a proposal touched upon the right of strike and should therefore not be addressed at European level. If the proposal was further backed by the European employers' organisation, ETF did not exclude it would have a negative impact on the sectoral social dialogue at European level. Mr Preumont (CER) defended the civil liberty to submit proposals which were in the companies' interest. CER had been wishing to discuss the issue within the European social dialogue for a long time, but the trade unions had not been ready to do so. This was not the moment to discuss the problem further.

The 2009-2010 work programme was updated point by point. This would be presented to the plenary meeting as draft work programme 2011-2012 (see annex). In the future, DG Justice⁷ (DG JUST) should be invited to the meetings if there were any developments linked to the social partners' work programme. The social partners discussed the possibility to adopt a joint opinion on the proposal for the recast of the first railway package. This would be further assessed by the secretariats.

⁶ However, an exception was made at the steering committee of 19 May 2009, see minutes there.

⁷ http://ec.europa.eu/justice/policies/intro/policies_intro_en.htm

Participants 31.3.2011

<p>Employers (5 ♂, 1 ♀)</p> <p>CER Mr Inglese (IT) Mr Müller (DE) Mr Olofsson (SE) Mr Preumont (CER) Ms Streichert (DE)</p> <p>EIM Mr Blomberg (SE)</p>	<p>Workers (3 ♂, 2 ♀)</p> <p>ETF Mr Bartl (DE) Mr Gamez Ramirez (ES) Ms Marzola (IT) Ms Trier (ETF) Mr Wacsin (FR)</p>
<p>European Commission Mr Castelletti (DG MOVE/D.2) Ms Durst (DG EMPL/B.1) Mr Grillo (DG MOVE/D.2)</p>	
<p>Others Ms Nova (external expert)</p>	