



## EUROPEAN COMMISSION

EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES DG

Social dialogue, social rights, working conditions, adaptation to change  
**Social dialogue and working conditions**

### SECTORAL SOCIAL DIALOGUE COMMITTEE INLAND NAVIGATION

#### Meeting of 28 November 2007 Minutes (approved on 25 February 2008)

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

The agenda was adopted. The minutes of the meeting held on 10 October 2007 were approved, with amendments to items 4 and 5.

#### **2. Information from the European Commission**

Mr Morin (Head of Unit, DG EMPL F.1, responsible for social dialogue and working conditions) gave a run-down of the most important points concerning the implementation of the agreements between the social partners concluded at Community level (Article 139 of the EC Treaty). This advance information was intended to help the social partners in their further action.

If an agreement was to be implemented by means of a Council decision, the signatory parties had to submit a joint application to the Commission, which after examining the agreement (representativeness of the signatories, compatibility with current EU law) presented a proposal to the Council, which would be dealt with by the "Employment, Social Policy, Health and Consumer Protection" Council. Since it was not a question of new legislation but a declaration of the general validity of an agreement, the Council of the European Union could not amend the text of the agreement. It could only accept or reject the Commission's proposal on the implementation of the agreement. As the representativeness of the social partners was known to be a crucial factor in the Council's deliberations, the Commission representative recommended that other potential parties be informed and consulted during the negotiation process<sup>1</sup>.

Mr Morin confirmed that the Commission was at the social partners' disposal to clarify any questions regarding compatibility with current EU law. He also asked the social partners to announce the start of any negotiations by means of, for example, a joint letter to the Commission showing that the parties had a negotiating brief from their respective organisations. Lastly, he recommended that thought be given at an early stage to the

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<sup>1</sup> See also [http://ec.europa.eu/employment\\_social/social\\_dialogue/index\\_en.htm](http://ec.europa.eu/employment_social/social_dialogue/index_en.htm)

effects and the added value of the agreement, in order to be able to inform the Commission, if a joint application were submitted, about these elements by means of a note, for example, because in such circumstances the Commission would be the social partners' spokesman to the Council and needed such important additional information.

### 3. Job profiles and vocational qualifications

EBU presented the new discussion document "Harmonisation of job profiles in the field of inland navigation". ETF suggested that the document be more forward-looking and that administrative and commercial knowledge and environmental protection be included in the fields of activity. Moreover, the employee representatives preferred level 3 of the European Qualification Framework for Lifelong Learning<sup>2</sup>. ESO commented that the gap between skipper and boatman would widen in the future and that the way to becoming a skipper would no longer necessarily be through training as a boatman (even though this should still be perfectly possible). It was agreed that a skipper/captain had to be able to do more than simply hold a steerman's licence. EBU called for the descriptions to be kept as simple as possible. The reference level might be set differently for each field of activity. The question was raised as to whether there was a job profile for helmsmen. As the definition of helmsman differed from country to country, it would be best to concentrate on the "end-points" boatman and skipper/captain. ETF described the classification in the future training plan for the Danube: boatman (level 3), bosun (4), helmsman (5), skipper (6). Unlike the Rhine, the Danube had such a thing as a helmsman's certificate. In view of the differing situations, ESO suggested proceeding according to the distinction between the functions on board and not by the job titles. ETF asked EBU and ESO to revise the document in the light of the discussion and send it to ETF. The employers' representatives agreed with this proposal.

### 4. Working time

Following on from the discussion in October, ETF asked the employers whether there were any new proposals regarding the flexible organisation of working time. As this was not the case, ETF presented a new solution, which focused on "safety and health protection at the workplace" and was not restricted to having existing practices "enshrined in law". The proposal took account of the type of operation and the number of consecutive days on board, assuming a ratio of 1:1 (on board/ashore):

Type of operation (Rhine Shipping Inspection Order)	Maximum weekly working time	Maximum number of consecutive weeks on board
A1	77 hours	4 weeks (28 days)
A2	77 hours	3 weeks
B	84 hours <i>or 77 hours</i>	1 week <i>if longer than 1 week</i>

The employers' representatives found it difficult to understand certain things, e.g. what was the procedure in the case of mixed forms of working time, or what happened if the rules on types of operation (Rhine Shipping Inspection Order) changed. ESO did not see why rest periods on board and ashore were classified differently. ETF drew attention to the large number of older vessels with high levels of noise and vibrations. The proposal would not require the employment of additional crew and was nevertheless flexible. 84

<sup>2</sup> See [http://ec.europa.eu/education/policies/educ/eqf/index\\_en.html](http://ec.europa.eu/education/policies/educ/eqf/index_en.html)

hours and 28 days (as mentioned by ESO) were unacceptable. The employee representatives stated that they were willing to consider whether the licensing of a vessel for a particular type of operation was possible as a criterion. They accepted the proposal 84 hours/1 week, but the other elements of the proposal had still to be examined. ETF thought that the criterion of B-worthiness was a good approach.

Lastly, the two sides agreed to send a joint letter to the Commission the following week announcing the opening of the negotiations and applying for the relevant meetings in January and April. In order to be able to deal with any outstanding matters, it was agreed to start with a two-day meeting on 23/24 January 2008. The September working document was to be updated before this meeting. The Secretariats would send the text to the Commission in good time.

## 5. Other business

Scheduled ordinary meetings for 2008: 25/02, 16/04, 03/06, 24/09, 07/11.

### *List of participants 28.11.2007*

<p><u>Employers:</u></p> <p><b>EBU:</b> KONING, Michiel NAABORGH, Jacques WENKEL, Katja</p> <p><b>ESO:</b> BECKSCHÄFER, Andrea VAN LANCKER, Christiaan VELDMAN, Jan</p>	<p><u>Workers:</u></p> <p><b>ETF:</b> BLESER, René BRAMLEY, Nick DIMITROVA, Desislava HERTOGS, Beatrice KARAVATCHEV, Rossen LALAK, Vladimir LEHNINGER, Gunter OPDELOCHT, Roger PAUPTIT, Robert Evert</p>
<p><u>European Commission:</u></p> <p>DIETER, Rolf (DG TREN/G.2) DURST, Ellen (DG EMPL/F.1) MORIN, Jackie (DG EMPL/F.1) TOMA, Janeta (DG TREN/G.2)</p>	<p><u>Others:</u></p> <p>WOEHLING, Jean Marie (CCNR/ZKR, Observer)</p>