



EUROPEAN COMMISSION

DG Employment, Social Affairs and Equal Opportunities

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

RAILWAYS SECTORAL DIALOGUE COMMITTEE

Meeting of the steering committee

5 December 2007

Concise minutes (adopted on 18 April 2008)

(1) Adoption of the agenda and approval of the minutes of the last meetings

In the absence of the chair and the co-chair of the committee, the meeting was chaired by Ms Durst (DG EMPL). The meeting was held at the ETF premises. The agenda was adopted. The minutes of the last steering committee meeting (15 June 2007) and of the last plenary meeting (17 April 2007) were also approved.

(2) State of play of the negotiations at European level (Agreement on working conditions)

ETF and CER gave their point of view with regard to the negotiations at European level on the number of consecutive rests away from home as well as on compensation for the rest away from home (footnote 1 in Clause 4 of the Agreement on working conditions). Official negotiation meetings took place in February, March, April and May.

ETF confirmed the position adopted by their rail section in May, which was to postpone (i.e. interrupt) the negotiations for two years. For the time being, the flexibility offered by Clause 4 had not been used in practice and therefore, ETF would see no need to change the provisions now. In addition, the evaluation by the parties foreseen in Clause 11 had not been carried out yet.

CER stressed that the term "will be renegotiated" was not an option, but part of binding Community provisions. Footnote 1 had been part of the deal in 2003, and it was not understandable why ETF now introduced new conditions. After the opening of the international and domestic rail freight market in January 2007, SMEs needed more flexibility in order to develop their businesses in the new market. CER confirmed its readiness to renegotiate.

Mr Morin (DG EMPL) reminded the signatory parties that Clauses 4 and 11 were binding and unconditional. He testified that during negotiations in the Council, the provisions of Clause 4 had nearly led to the rejection of the proposal. The Commission had taken commitments in order to calm down the Council's worries. Therefore, in 2008, the Commission would submit a report to the Council taking account of the economic and social impact of the agreement. The Commission would report on the steps taken to

ensure that the social dialogue committee's representativity reflected the evolution of the sector, and on the results of the renegotiations foreseen in Clause 4. The question was whether the social partners would continue their dialogue on the question and take their responsibilities (Clause 4) or would otherwise leave it to the legislator to find a solution. The Commission representative had the impression that there was still room for an exchange between the parties and proposed using the next months to explore more technical questions, before reopening negotiations. The Commission was ready to provide appropriate support. The secretariats would meet with the Commission early 2008 to assess progress¹.

(3) State of play of the survey and report on the implementation of the Agreement on the European drivers licence

Since the last working group meeting of 11 October 2007, no further progress had been made with regard to the questionnaire to be sent to companies and trade unions. However, work was going on with regard to the comparison between the provisions of the Agreement and those of the Directive. Both sides of industry reiterated their will to produce a joint report on the implementation of the Agreement.

(4) Follow-up of the joint recommendations on employability

The joint recommendations² were signed on 4 October. As foreseen in the text, a conference would be organised next year in the framework of a project to be prepared by DB.

(5) Other items related to the work programme

The rapporteurs of the working groups went through the different items and discussed open questions and further steps. The participants regretted that the European Railway Agency had not participated in the last interoperability meeting and raised the concern that the Agency did consider a number of problems raised by the social partners as "not relevant for interoperability".

(6) Information by DG TREN

Mr Grillo (DG TREN) informed the participants on recent developments such as the implementation of the first railway package, the "Addendum to the Memorandum of Understanding on the Development of the South East Europe Core Regional Transport Network for a South East European Railway Transport Area"³, the Communication on a Freight-Oriented Railway Network⁴, the public consultation on ERTMS⁵, the

¹ This meeting took place on 15 April 2008.

² http://ec.europa.eu/employment_social/dsw/public/displayRecord.do;jsessionid=Hy240yvdcvL87WN12txN1LPs1JvFzR2Nk5dLj4TFyq4fk0nLmnhL!-600766452?id=5045

³ <http://www.seetoint.org/site/pdf/55-7115.pdf>

⁴ http://ec.europa.eu/transport/logistics/freight_logistics_action_plan/railway_en.htm

⁵ http://ec.europa.eu/transport/rail/consultation/2007_ertms_en.htm

RAILTRAINING study⁶, work carried out by the Agency, and the publication of the third railway package on 3 December 2007⁷. In reply to the social partners' concerns raised above, he confirmed that it was not always evident to decide how far a TSI should go. He was ready for a separate technical meeting on unsolved questions if needed.

(7) Any other business

Ms Trier announced that she was the new ETF representative at the Agency's Board. Ms Durst informed the meeting about the representativeness study and the Commission's study on the economic and social impact of the social partners' Agreement (VT/2007/055).

The following regular meetings are planned for 2008 (to be confirmed): 18/02, 18/04 (steering committee), 28/04, **22/05 (plenary)**, 16/06, 01/10, 05/12.

5 December 2007

Participants:

<p>Employers:</p> <p>Ms Abu-Dayeh Ms Brinckman-Salzedo Mr Inglese Mr Ludewig Mr Olofsson Mr Robson Ms Streichert Mr Winkler</p>	<p>Employees:</p> <p>Mr Bartl Mr Greivelding Mr Liska Mr Piteljon Ms Tamas Ms Trier Mr Wacsin</p>
<p>European Commission:</p> <p>Mr Diallo (DG EMPL F/2) Ms Durst (DG EMPL F/1) Mr Grillo (DG TREN E/2) Mr Morin (DG EMPL F/1)</p>	

⁶ http://ec.europa.eu/transport/rail/studies/index_en.htm

⁷ http://ec.europa.eu/transport/rail/package2003/index_en.htm