



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

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

Brussels, 18 October 2012

**SECTORAL DIALOGUE
COMMITTEE
RAILWAYS**

Concise minutes of the "Adaptability and Interoperability" working group meeting

27 March 2012 (afternoon)

The meeting was chaired by the chairman of the working group, Mr Piteljon (workers). The agenda and the minutes of the working group meeting of 21 November 2011 were approved.

1. Follow-up, evaluation and review of the CER-ETF agreement on working conditions

In February, the signatory parties to the agreement on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector have been invited to provide feedback on the study on the implementation of Directive 2005/47/EC carried out by TNO. During the meeting, the parties exchanged their comments on the study which had or would be submitted in writing to the Commission. ETF suggested sharing the social partners' respective comments with the other side of industry. Very concisely, the feedback was the following:

CER: Study done in a relatively serious manner although some factual errors. TNO did not mention the social partners' follow-up report although it came to the same conclusion that there were divergent views on the need to extend the number of rests away from home or not. The employers' side considered that the reopening of discussions on the number of rests away from home was necessary to allow for more flexibility. Since it had not been possible to find a solution by way of a social partners' agreement at European level (negotiations took place between 2007 and 2009), the best solution would be if the Commission initiated a legislative proposal which would push the social partners to come back to the negotiation table.

ETF: Study was a good and interesting work. It showed that some member states had not fully implemented the directive and the Commission should therefore ask them to correct this situation. The approach to describe the general complexity of cross-border traffic in the sector as for example the lack of technical interoperability as a major barrier for cross-border services was welcome. It was worth underlining that the workers' protection was higher in some member states as a result of the agreement. ETF did not agree with TNO who considered drivers' licences as a technical barrier. The part on the impact on working conditions was a bit short. Some examples presented as cross-border transport

rather looked like a situation of cabotage services where workers were posted. The workers' side did not share the employers' view that the Commission should come up with a proposal. The possibility to negotiate a second rest away from home was rarely used and the impact was too low to justify such an initiative

Regarding the review by the social partners of the provisions of the agreement (as foreseen in Clause 12 of the agreement), ETF said that they were available for negotiations including the aspect of compensation. The DG EMPL representative reminded the parties that Clause 12 was part of their agreement and that "review" was not necessarily a synonym for "renegotiation".

2. Monitoring of the implementation of the CER-ETF agreement on a European licence (now "complementary certificate")

CER presented a synthesis of the answers received to their questionnaire on the implementation of the agreement, distinguishing between the elements covered by Directive 2007/59/EC¹ on the certification of train drivers and the other points being part of the "autonomous" agreement². 14 undertakings from 13 countries had given information on whether the directive and the other points covered by the agreement (see 2009 Joint Declaration of the CER-ETF Agreement on a European Locomotive Driver's License) have been implemented. The situation on the implementation of the autonomous agreement differed highly between the countries for which answers were available. However, the exercise was not an in-depth study. ETF had not done such an assessment on their side but had received some feedback or questions, such as whether drivers could be self-employed workers and receive a licence as a single worker and thus be treated as a company.

The DG MOVE representative said that the Commission had information on the notification of national measure implementing Directive 2007/59/EC³. However, the existence of national execution measures did not necessarily mean that these measures were comprehensive or in conformity with the provisions of the Directive. The assessment of the content of the national measures still needed to be done and would most probably be part of the European Railway Agency's work programme for 2013.

3. Psychosocial risks: state of play

ETF reported that the joint project proposal was almost ready for submission. The planned start date was November (after completion of the project on insecurity and the feeling of insecurity in rail passenger transport). The methodology chosen contained the organisation of three seminars and five company interviews. The identification of a potential external expert – necessary to carry out the work – should start as soon as possible. CER suggested consulting the project steering committee already now.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:315:0051:0078:EN:PDF>

² See social dialogue texts database: <http://ec.europa.eu/social/main.jsp?catId=521&langId=en>

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72007L0059:EN:NOT>

Participants 27.3.2012

<p>Employers (3 ♂, 3 ♀)</p> <p>CER Ms Grau (FR) Mr Inglese (IT) Mr Olofsson (SE) Mr Preumont (CER) Ms Streichert (DE)</p> <p>EIM Ms Malheiro</p>	<p>Workers (6 ♂, 2 ♀)</p> <p>ETF Mr Albertazzi (ETF) Mr Bartl (DE) Mr Gamez Ramirez (ES) Mr Gobé (FR) Ms Marzola (IT) Mr Piteljon (BE) Mr Tauchner (AT) Ms Trier (ETF)</p>
<p style="text-align: center;">European Commission</p> <p style="text-align: center;">Ms Durst (DG EMPL/B.1) Mr Grillo (DG MOVE/B.2)</p>	