



**SECTORAL SOCIAL DIALOGUE  
COMMITTEE  
INLAND WATERWAY TRANSPORT**

**Minutes  
Work group meeting of 23 April 2018**

1. Adoption of the agenda

The meeting was chaired by Mr Kerkhof (ETF, BTB Belgium). The agenda was slightly adapted (adding the point on TASCs project).

2. Adoption of the minutes of the last meeting (16 January 2018)

The draft minutes were approved.

3. Information by the Commission on:

a) Implementation process IWT Council Directive on Working Time

Social partners agreed on sending a letter to the EC service in charge (unit *Working Conditions* of DG EMPL) in order to organise a meeting for clarifying remaining questions with regard to the transposition of Directive 2014/112/EU. The questions were defined in the previous SSDC meetings, especially in the one on 16 January 2018.

b) State of Affairs Draft Directive on Professional Qualifications

Ms Rousseau reminded social partners of the fact that the Directive (EU) 2017/2397 of the European Parliament and of the Council on the recognition of professional qualifications in inland navigation was adopted on 12 December 2017. It was published in the Official Journal on 27 December 2017 and entered into force 20 days later. Member States have to transpose the provisions into their national law until 17 of January 2022.

The directive establishes a common system of qualifications for inland navigation crews based on acquired competence, to allow workers to move more freely to where their skills are needed. This includes:

- common standards for certificates for boatmasters and other persons involved in the operation of vessels navigating on EU inland waterways, based on their competences
- common criteria and procedures for the assessment of required competencies

- criteria ensuring that requirements related to the knowledge of specific situations on specific inland waterway stretches are proportionate to their safety goal

Ms Rousseau pointed out that the transposition will cover 4 years (2 stages) in order to develop and to adopt the standards for the implementation and the delegated acts (first stage) as well as to consequently adjust the national systems to the new requirements (second stage). The standards will be defined by CESNI. So far good progress has been made. However, standards for modelling still remain to be defined.

c) Horizontal social developments at EU level bearing effect on the European IWT sector

Ms Marin-Combeaud presented the topic “gender equality in transport”:- The Women in Transport EU Platform for Change. She reminded the social partners that the *Women in Transport – EU Platform for Change* was launched on 27 November 2017 and the first working meeting of the Platform took place on 23 January 2018. With only 22% of women, the transport sector is not gender balanced. Therefore the objective of the *Women in Transport - EU Platform for Change* (hereafter the Platform), is to strengthen women's employment and equal opportunities in the transport sector thanks to the actions brought about by the Platform members. It will also serve as a forum to discuss and exchange good practices. The Platform focuses on:

- raising awareness
- collecting gender disaggregated data
- improving the opportunities for female employees, for women-owned companies and for women in managerial positions; increasing the number of women in decision-making positions.
- improving working conditions to attract and retain women in the sector by providing better work-life balance, zero tolerance to violence, equal recruitment, pay, training and career opportunities, quality of the working environment and facilities
- changing culture to eliminate gender stereotypes and make the sector appealing to women (within the company and in the society).

So far the Platform comprises 19 members: 4 Member States (Austria, Croatia, Spain and Sweden), the European Railways Agency and 14 EU transport organisations (two representing workers -ETF and ECA- and 12 the industry. EBU and ESO are not members so far).

Ms Marin-Combeaud informed that the next Platform meeting will be on 11 June 2018. In addition, an Anniversary Conference is envisaged to be organised in November 2018.

Finally Ms Marin-Combeaud invited the social partners to sign the declaration of the Platform.

Social partners discussed the situation of women in the IWT sector and they prepared draft of a Joint Declaration of the inland navigation social partners for the elimination of violence against women and LGTBQI workers in the

workplace. After inserting some minor amendments/corrections the Joint Declaration was adopted.

d) Representativeness study

Mr Strohbach informed about the current state of play. Data collection has been finalised by the end of 2017 and was revised in the beginning of 2018. On 19 April 2018 Eurofound sent an e-mail with the national reports to the social partners' secretariats. Social partners are invited to check the national reports by 11 May 2018. Based on the results, the overall report will be produced and social partners will be asked again for their comments. The final evaluation of the representativeness study is foreseen for 14 September 2018.

4. Social Security in European Waterway- discussion on the proposals for future solution

Mr Koning informed about the fact that a clear agreement was reached in the working group meeting on 11 April 2018 to keep some detailed information on specific concerned companies/vessels used in the internal discussion/the reports confidential.

In addition he referred to the presentation of Ms Tournaye (expert from ETF) in the SSDC meeting on 16 January 2018 in which 3 options were presented to fight social dumping. The options are:

- to streamline MS policy on residence permits
- to streamline practices involving indirect employment (e.g. employment agency based in another MS)
- to harmonise the applicability of social security legislation (to cover people working in more than one MS)

In this respect Mr Koning pointed out that the terms “social dumping” and “employer” need a clearer definition. Furthermore he reminded social partners of the fact that in the IWT sector two different legal systems (Rhine system and the EU system) with regard to social security co-exist. However, social partners seek for harmonisation of the two systems into one single European system. In addition to supporting this effort social partners agreed on a joint position that the seat of the employer (operator principle) should be used for determining the social security legislation to be applied.

Social partners discussed the topic and highlighted that option 3 is the most promising one. However, more information is needed (a questionnaire will be circulated) to better analyse the situation and to help to find a conclusion in the working group meeting on 18 September 2018.

Mr Rusche pointed out that this topic will be an additional item in the CESNI work programme 2019 – 2021.

5. AOB

a. Agenda for the next meeting

The agenda will remain the same for the next SSDC meeting.

b. CESNI update on activities & state of play

Mr Rusche informed about the CESNI meeting on 10 April 2018 in which the work programme and the strategic guidelines were discussed. The focus will be on standards for eco-efficient navigation, on standards for communication phrases, on basic safety training as well as on the ongoing issues such as competences, medical fitness and simulators. Mr Rusche pointed out that in view of implementing the strategic guidelines, explanatory notes for the end users will be provided. He also stressed that the input of social partners is crucial for implementing the CESNI work programme. Therefore he invited social partners to propose concrete tasks by April/May 2018 in order to discuss them along with the proposals of all the other parties at the CESNI meeting on 24 May 2018. Finally the work programme is envisaged to be adopted at the CESNI meeting in November 2018.

Social partners are highly committed to the CESNI work and will therefore submit their CESNI priorities in writing.

c. CCNR update on activities & state of play

Mr Rusche informed that CCNR received the social partners' request for amending the manning requirements (rest time, noise protection). The issue will be discussed in the CCNR summer meeting.

Ms Rousseau pointed out that the EC is analysing the impact of the planned amendments on the working time directive.

d. Posting of workers directive & impact on IWT (possible exception)

Mr Strohbach reminded social partners of the compromise (October 2017) between the EU employment ministers to reform the 1996 directive on posted workers. The compromise reaffirms the principle of "the same pay for the same work in the same place", as stated in Commission's proposal. The discussion is ongoing within the Trilogue.

The Council (Coreper) endorsed the text agreed by the negotiators in the Trilogue meetings (<http://www.consilium.europa.eu/en/press/press-releases/2018/04/11/posting-of-workers-council-confirms-the-compromise-text-agreed-with-the-european-parliament/>).

The text will be submitted for voting by the EMPL Committee of the EP on 25 April and by the Plenary in May or June 2018 (depending on the availability of the text being finalised by the lawyer-linguists of the institutions).

The aim is to formally adopt the Directive in the EPSCO Council in June 2018.

e. Follow up of TASCS project

Ms Chaffart informed that based on the information from the research team the vessel visits do not progress as expected. All colleagues of the steering Committee were informed about it. As the difficulties concern only part of the vessel types everyone has to ensure that the vessel visits can be carried out as planned and thus can be finalised by 29 May 2018. Ms Chaffart underlined that the sample of 50 vessels is a minimum to have a solid basis.

## *Participants*

### *Participants 23.04.2018*

<p><u>4</u> <b>Employers</b></p> <p><i>(2 ♂, 2 ♀, 3 different Member States)</i></p> <p><b>EBU</b></p> <p>Mr Koning (NL) vice-chair Ms Kegels (BE)</p> <p><b>ESO</b></p> <p>Ms Beckschäfer (DE) Mr van Lancker (BE)</p> <p><b>BDS:</b> not represented</p>	<p><u>10</u> <b>Workers</b></p> <p><i>(8 ♂, 2 ♀, 7 different Member States)</i></p> <p><b>ETF</b></p> <p>Mr Kerkhof (BE) chair Ms Chaffart (ETF) Mr Kiepe (DE) Mr Jerabek (CZ) Mr Klein (NL) Mr Kerkhofs (BE) Ms Latron (FR) Mr Karavatchev (BG) Mr Misic (HR) Mr Shchekotin (Russian)</p>
<p><b>Central Commission for the Navigation of the Rhine (CCNR):</b> Mr Rusche (DE)</p> <p><b>European Commission</b></p> <p>Ms Marin-Combeaud (DG MOVE) Ms Rousseau (DG MOVE) Mr Strohbach (DG EMPL)</p>	