



EUROPEAN COMMISSION  
Employment, Social Affairs and Inclusion DG

Employment & Social Governance  
**Social dialogue**

**SECTORAL SOCIAL DIALOGUE  
COMMITTEE  
INLAND WATERWAY TRANSPORT**

## **Minutes Working group meeting of 17 January 2017**

1. Adoption of the agenda  
The meeting was chaired by Mr Koning (EBU) as Mr Kerkhof (ETF) could not join the meeting. The agenda was adopted with 3 additional items under AOB.
2. Adoption of the minutes of the last meeting (5<sup>th</sup> October 2016)  
ETF and EBU had revised the draft minutes. Based on these revisions the draft minutes were approved.
3. Information by the Commission on:

### a) Implementation process IWT Council Directive on Working Time

Ms García gave an overview of the transposition of the Directive 2014/112 "Implementing the European agreement on working time in inland waterway transport" and how the European Commission (COM) monitors the process. The deadline for transposition was on 31 December 2016. Member States (MS) were obliged to notify their national execution measures (NEM or MNE) to the COM via the MNE-Database. So far 9 MS have not notified any measures. However, 19 MS have notified execution measures (8 MS: transposition not required for geographical reasons; 2 MS: partial transposition and 9 MS: complete transposition).

Currently the (COM) monitors/assesses the transposition. According to Article 258 of the TFEU there are 2 types of infringement cases (non-communication cases and non-conformity cases). In case of the non-communication cases the COM will send a letter of formal notice by the end of January 2017 to MS which haven't notified any NEM. MS are expected to reply within 2 months.

For MS which have declared that the transposition is complete or partial the COM will carry out a prima facie check of the completeness of the notification (geographical and material coverage). For MS which have declared that the transposition is not required, the COM will assess the reasons given by the MS. Within this check the Legal Service of the COM will be consulted.

If the COM considers that the notification is not complete a letter of formal notice for non-communication will be sent. If the COM considers that the

notification is complete, the stage of the transposition check can be closed. However, a non-conformity case may be opened at a later stage.

If the MS has failed to fulfil its obligation to notify measures transposing a directive (non-communication cases) or does not comply with the directive (non-conformity cases) the COM may bring the matter before the Court of Justice of the European Union.

Social partners are prepared to support the COM in the monitoring process.

Ms García pointed out that compared to other directives the fact that a lot of MS haven't notified any NEM yet is not atypical. However, what makes the transposition of this Directive different is the fact that 8 MS have notified that transposition is not required for geographical reasons.

Therefore social partners underlined the importance of an in-depth check for those countries (no transposition for geographical reasons) in particular for Malta and Cyprus.

In addition social partners discussed the current state of play in two important IWT countries. France has notified a partial transposition. The file is still with the Conseil d'Etat. In Germany the transposition will be ensured via a regulation which has still not been finalised yet.

#### b) State of Affairs Draft Directive on Professional Qualifications

Ms Rousseau gave an overview of the progress made since the last SSDC meeting: vote took place in EMPL and TRAN committees in European Parliament, two trilogue meetings were organised under the SK Presidency and the MT Presidency resumed the work in January 2017 on outstanding points. She explained that good progress was made so far but the main problematic point remains the issue of the scope/transposition with opposite and entrenched positions of EP and Council. It is unlikely for that reason that the MT Presidency comes to a quick agreement.

Ms Chaffart (ETF) stressed the importance of harmonisation for a directive which relates to the mobility of workers and their qualifications.

Ms Rousseau also mentioned that 2017 should be the year where the first formal steps for an initiative on digital tools for IWT legislations should be taken. After insertion in Commission's agenda planning, the procedure for the call for tenders for study in support of the impact assessment will be initiated. Ms Rousseau also informed that a new Administrative Arrangement with the Commission Joint Research Centre has been signed. This 2-years contract will have the following objectives: the elaboration of the characteristics and conditions of use of the Crew Qualification Database and the elaboration of options for an e-IWT architecture.

#### c) Other EU legislative initiatives bearing effect on the European IWT Sector (core network – digitalisation – temporary workers initiative...)

DG MOVE also referred to some horizontal social issues.

#### (1) Gender equality in Transport

The need to increase the share of women working in transport is a widely approved objective, as was shown in the replies received from the Commission's questionnaire and during the TTE Council of 1st December 2016. Experts from national administrations will be gathered in March 2017.

An economic study to analyse the benefits of employing more women in the transport sector will be launched in February/March 2017. The preparatory work for the Transport platform where stakeholders could commit to taking specific actions in favour of gender balance is ongoing (an exploratory opinion of the EESC is expected at the end of April 2017).

As the year 2017 is dedicated to gender based-violence, Commissioner Bulc encourages social partners to develop Codes of conduct/guidelines/toolkits to achieve the common objective of "zero tolerance to violence".

(2) Pilot project from the European Parliament on "Making the EU transport sector attractive for future generations".

The contract was awarded to a consortium led by Deloitte. Their report will be available in July. Social partners are invited to answer the online questionnaire prepared by the consultant on factors determining attractiveness, challenges in terms of recruitment, main areas of skill shortages, etc.

- <https://www.surveymonkey.com/r/eustransportstudy> (in English)
- <https://fr.surveymonkey.com/r/etudetransportue> (in French).

Ms Chaffart (ETF) stressed the importance of the topic for the inland navigation sector which is small, not well known, and already faces labour shortages. She recalled the lack of reliable statistics on gender and the difficulties in reconciling working in the sector with one's family life (women are more numerous in the passenger segment of the market as well as in urban and public services).

#### 4. Follow up of TASCs project

On 16 January 2017 social partners received the grant agreement for the TASCs project. It has to be signed by social partners and afterwards by the COM. The beneficiaries are entitled to start the project the month following the final signature of the grant agreement.

Ms Chaffart presented an overview of the planned events. However, it is important to fix the exact dates of the events as well as the administrative rules and procedures as soon as possible. She underlined that the first meeting (Steering group) has to be scheduled before the end of February 2017.

As the project will be funded Ms Chaffart explained that the trade unions agreed on focussing on a long term solution and not on continuing the short term track. As this information is new to the employers, EBU and ESO have to think it over.

Social partners thanked Ms Chaffart for her efforts in preparing the project.

Mrs. Moosbrugger (CCNR) congratulates social partners and recalls that the project preparation was supported by CCNR as an outcome of the Round Table organised in 2014. CCNR is looking forward to a close cooperation in TASCs.

Social partners discussed in addition the issue of a "digital boatmen". (replacing the physical person by a digital one). Ms Chaffart was wondering about a DEKRA project in Germany in that respect and asked the employers to provide information.

5. Social Security in European Waterways – Social Partners' initiative  
Mr Kerkhofs informed about the current state of play. Since 2 years social partners have been working on this topic. Social partners are interested in a European solution. Social security is linked to the individual. The problem occurs in particular for non CASS countries. (vessels operating outside CASS). Social partners have to ensure comparable implementation in order to persuade non CASS countries to join the CASS rules. In particular Article 16 (exceptions) of the regulation No 883/2004 (29 April 2004) on the coordination of social security systems is of high importance for the sector.

Therefore social partners were highly interested in the COM initiative to revise the regulation No 883/2004 (29 April 2004) on the coordination of social security systems. Mr Strohbach promised to inform social partners about the current situation after contacting the COM service in charge.\* Social partners therefore asked for input from the relevant COM service in the next meeting.

(\* by e-mail on 20 January 2017 social partners were informed that the COM published a proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on 13 December 2016 [COM(2016) 815]. A colleague from unit Social Security Coordination will present the topic in the next SSDC meeting on 15 May 2017.)

6. . AOB:

Representativeness Study (REP study)

Mr Strohbach informed social partners that a REP study for the IWT sector will be carried out in 2017/2018. Such a study is conducted every 7 - 8 years for a given sector. He underlined the importance of the representativeness concept for ensuring legitimacy of European social dialogue. The methodology of representativeness studies combines top-down and bottom-up elements: top-down in the sense of asking the organisations active at the European level for their affiliates at the national level; bottom-up by asking experts in Member States about potentially relevant organisations. All national affiliates, including individual companies, are included in the top-down approach.

In 2006, the Commission mandated Eurofound to carry out studies on the representativeness of European social partner organisations, with the aim of

identifying the relevant national and supranational interest associations in the field of industrial relations in selected sectors. On the basis of these studies, the Commission identifies organisations which can claim to be “management and labour”, i.e. which have the rights to consultation, to initiate social dialogue, and to reach and implement agreements (Article 154 TFEU). For the sector IWT the last Rep study was done in 2010. An update is necessary therefore. According to Commission Decision 98/500/EC (establishment of sectoral social dialogue) the following criteria must be met by European organisations representing employers and workers:

- they shall relate to specific sectors or categories, and be organised at European level;
- they shall consist of organisations which are themselves an integral and recognised part of Member States’ social partner structures and have the capacity to negotiate agreements, and which are representative of several Member States;
- they shall have adequate structures to ensure their effective participation in the work of the committees in order to participate in EU social dialogue.

At the beginning of the process, social partners will be asked by e-mail to agree on the NACE codes and identify the list of affiliates with contact details. Subsequently, a questionnaire will be launched via the Eurofound network of national correspondents who provide national reports. After a first internal check of coherence of these reports, Eurofound will send them to the European social partners for verification. A tendered contractor will draft an overview report on which social partners can comment, and, finally, the report will be evaluated by the Eurofound Advisory Committee. The report contains 3 main parts (economic strengths of the sector, overview of social partner organisations in Member States, analysis of social partners at EU level relating to their capacity to negotiate) and an executive summary.

#### WP 2017

Ms Chaffart explained the follow up of the work programme (WP) 2016/2017. It is important to assess the output and to adapt the WP if necessary in its second half. All items of the WP 2016/2017 were discussed/assessed in detail during the meeting. Social partners agreed on focussing on realistic goals and continuing exchange of opinions in order to make progress and to give added value.

In addition the WP 2018/2019 should be already prepared in the next meeting in order to have it ready by the end of this year.

#### CESNI

Ms MOOSBRUGGER indicates that CESNI has been implemented since June 2015. The 2017 Schedule is available on the internet. Social partners are very welcome to participate in CESNI and its Working Groups.

Linked to the ongoing discussion concerning the directive on recognition of professional qualifications and the slight delay taken, retro-planning for Priority I standards has been modified and will be discussed in CESNI/QP-Meeting on 2nd February.

Three Temporary Groups to draw up draft standards have been established: 1-competences; 2 - medical fitness; 3 - simulators.

#### ILO Study – follow-up

The ILO commissioned and published a report on living and working conditions in European inland waterways. In agreement with social partners Mr Strohbach contacted the ILO (Mr Brandt Wagner) to present the study in a Committee meeting of the sector. The ILO produced a Working Paper No. 297: Living and working conditions in inland navigation in Europe (see: [http://ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/publication/wcms\\_234892.pdf](http://ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_234892.pdf)). Mr Wagner believes that the ILO will be able to participate in one of the meetings later in the year.

#### 50 years of IWT social dialogue

Mr Strohbach pointed out that the IWT Social Dialogue Committee was established in 1999, following activities in the context of a joint committee since 1967. Therefore he asked if social partners have planned anything to mark the 50 years of European social dialogue in the sector.

Social partners will reflect on this point. Some options like a joint statement or press statement with contributions from DG MOVE and CCR were already mentioned. In addition the invitation of high level COM representatives was suggested.

#### PIANC conference

Ms Chaffart gave information about the climate change conference for ports and IWT which is scheduled in Brussels on 27/28 March 2017.

#### List of Participants 17/01/2017

<u>4</u> Employers	<u>8</u> Workers
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*(4 ♂, 0 ♀, 3 different Member States)*

EBU

Mr Koning (NL)

Mr Stommel (DE)

ESO

Mr Kester (NL)

Mr van Lancker (BE)

*(5 ♂, 3 ♀, 6 different Member States)*

ETF

Ms Chaffart (ETF)

Mr Bramley (ETF)

Mr Kerkhofs (BE)

Mr Kraijenoord (NL)

Ms Nikolova (BG)

Mr Kiepe (DE)

Ms Latron (FR)

Mr Misic (HR)

European Commission

Ms Rousseau Christelle (MOVE)

Ms Marin-Combeaud Sophie (MOVE)

Ms Garcia Paloma (DG EMPL)

Ms Hajkova Miroslava (DG EMPL)

Mr Strohbach Andreas (DG EMPL)

Central Commission for the Navigation of the Rhine

Ms Moosbrugger (FR)