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SECTORAL SOCIAL DIALOGUE COMMITTEE ON MARITIME TRANSPORT

FRIDAY 25.3.2011 – 11.00 H.

DRAFT SUMMARY RECORD

INTRODUCTION

The **Chairman** welcomed all participants attending the meeting. He advised on practical arrangements, i.e. interpretation and the attendance of Commission officials to advise on E-Maritime and Social Funds.

Members approved the agenda for the meeting, including the following items for discussion under A.O.B.

- An update on Libya and Japan (requested by the ETF),
- Piracy at sea (requested by the ETF),
- An update on the activities of the Task Force on Competitiveness and Employment (requested by ECSA),
- Schengen / Visa (requested by ECSA).

ECSA volunteered to draft the summary record of the meeting.

1. DRAFT SUMMARY RECORD OF THE SD WG MEETING OF 6.12.2010

Members **approved** the minutes of the Sectoral Social Dialogue Committee working meeting of 6.12.2010 as presented.

2. ECSA AND ETF PROJECTS: follow up initiatives:

The **Chairman** introduced the subject by referring to the ECSA and ETF projects on training and recruitment, which were both finalised end 2010. He recalled that in these projects some specific points of attention had been identified, some of which are part of the SD Work Programme for 2011.

a. Update on the career mapping study

ECSA recalled that the previous study on career mapping had been carried out about six years ago and felt that the time had come to update this study. To that end, it was suggested having a meeting between the Secretariats of the ETF and ECSA with an aim at identifying the specific points of the old study meriting an update. Once both secretariats have agreed on the issues to be updated, an external consultant could be approached to carry out the update. In order to pay a consultant, it was suggested sending in an application for EU funding by the deadline of 30.8.2011.

The **ETF** supported this and insisted that the next study should also tackle the perspectives of ratings, which was lacking in the previous study. It was also felt that

the updated study should not only be descriptive but should also try to identify trends in career development/paths. In order to proceed quickly, the ETF suggested establishing a steering group that should prepare the ground for an updated study enabling a further discussion at the July WG meeting.

The meeting **agreed** to update the career mapping study. This update should also focus on ratings. The ETF and ECSA Secretariats will identify together the issues meriting an update and prepare the ground for a further discussion at the July WG meeting. A consultant will thereafter be approached to carry out that study. To that end, an application for EU funding will be submitted to the European Commission, for which ECSA will take the lead.

b. Follow up of the SP project on harassment and bullying

The **ETF** recalled that the SP project on harassment and bullying had been the product of a joint effort in 2004. There have been some dramatic cases of harassment and/or bullying involving e.g. a UK flagged ship and a German navy ship. As a result of these events, NAUTILUS UK is carrying out a survey on harassment and bullying cases, which builds upon the previous survey. It seems from this new survey that problems of harassment and bullying remain present. There is also a lack of implementation of the harassment and bullying guidelines. It was felt that leadership in the shipping industry is needed to tackle this matter. It was suggested to update the previous SP project on harassment and bullying. The practicalities of such update will be looked at further but it was considered that EU funding for such study should be sought, for which the ETF is willing to take the lead.

ECSA supported the proposal from the ETF to update the SP project on harassment and bullying.

The **Chairman** invited the Secretariats of the ETF and ECSA to prepare the ground for such update and to discuss the matter again at the July meeting. At this meeting the decision as to whether to apply for EU funding for this project could be taken.

The meeting **agreed** with an update of the SP project on harassment and bullying, for which the ETF would take the lead. The Secretariats of the ETF and ECSA would prepare the work for such update and identify the right people to look at it. The issue will be discussed again at the July meeting.

c. Next deadlines for EU funding and possible submission of a joint project proposal

The **Chairman** took note that the Social Partners would like to apply for EU funding, both with regard to the career mapping update and the harassment and bullying project update. He wondered whether there would be any risk if Social Partners would apply for EU funding for two separate projects at the same time.

Mr. Hadrich welcomed the fact that the Social Partners are now willing to cooperate on the above-mentioned two projects, and advised that ultimately the quality of each project will determine whether it will be granted EU funding or not. However, he did not rule out that there is a potential risk in submitting two separate applications for EU funding simultaneously.

ECSA stressed that Mr. Hadrich's answer was a safeguard answer which did not give any further guidance or certainty as to whether there is a real danger in submitting two applications for two separate projects.

The meeting **agreed** that the Social Partners will prepare the ground for the career mapping update and the update of the SP project on harassment and bullying, for further discussion at the July WG meeting. At this meeting, it will then also be discussed whether to apply for EU funding for the two projects together or whether priority will be given to one of the two.

3. SP WORK PROGRAMME ON TRAINING AND RECRUITMENT FOR 2011: POSSIBLE SP INITIATIVES AND FUNDING OPPORTUNITIES

a. Criminalisation of seafarers

The **Chairman** recalled the decision of the Plenary meeting of 7.12.2010 to have a joint statement or paper on the outcome of the ECHR's judgement on Captain Mangouras. He wondered why the Social Partners had not managed to agree on a common text as yet.

The **ETF** advised that the Secretariats of the ETF and ECSA had been in contact with an aim at agreeing on a common text. However, both sides have made a number of comments to previous draft versions which have taken more time than expected. Furthermore, they both felt that much time has elapsed since the judgement of the ECHR in September. They therefore agreed to redraft the joint paper so as to address the issue of "criminalisation of seafarers" in general and not limit the paper to the Mangouras' case only. Hereafter the ECSA Secretariat has made a new attempt for a joint paper, which was circulated to the ETF and ECSA members for discussion and possible approval.

ECSA confirmed that it had taken more time than expected to find a compromise text and that the change in approach had triggered the need for a new draft version. Whilst the initial intention was to issue a joint press release, it was – given the time that has elapsed since the ECHR's judgement – better to determine another strategy with the joint paper, such as sending it to DG MOVE's Director for Maritime Affairs (Fotis Karamitsos).

The **ETF** agreed to send the joint paper to Mr. Karamitsos but felt that more should be done by the Social Partners to tackle criminalisation of seafarers. A number of options or measures could be envisaged in this respect, such as implementing existing international instruments (e.g. the Marine Casualties Investigation Code or the Guidelines on Fair Treatment of Seafarers) into EU law. Within the ETF, criminalisation of seafarers has been identified as a key problem for seafarers but also for attracting youngsters to a seafaring career. It had also been identified as a key problem in the context of the ETF and ECSA workshops on Training and Recruitment. Against this background, the ETF invited ECSA to think about possible further (legislative) measures to address this matter.

Whilst **ECSA** shared the concerns of the ETF as regards the ongoing trend towards criminalisation of seafarers, it wondered whether it would be legally possible and whether it would “add value” to implement or incorporate existing international instruments into EU legislation. An alternative approach could be to use the next IMO Legal Committee meeting in April in IMO to send the joint ECSA/ETF paper on criminalisation of seafarers to the States’ representatives in that committee in order to make them aware of the Social Partners’ concerns. It was felt that criminalisation of seafarers is above all an international problem (not just a European one) and it should therefore be best addressed in an international context, such as IMO. The joint paper could also be sent to Transport Ministers prior to the next Transport Council meeting.

The **ETF** acknowledged that shipowners traditionally give preference to international solutions rather than European solutions whilst ETF members are more in favour of European measures. It was felt that it often takes time before IMO comes forward with a solution unless there is pressure from the outside, such as the European Commission. It is against this background that the ETF is willing to look at European (legislative) measures in the hope that they would thereafter be picked up by IMO.

The **Chairman** noted that the ETF and ECSA share the same concerns as regards criminalisation of seafarers but also a different approach as to what would be the best means to tackle this issue. He therefore suggested the ETF to prepare a detailed paper putting forward proposals for discussion and analysing legal options, for discussion at the July WG meeting.

The meeting **agreed** with the Chairman’s suggestion.

- b. Enhancing on board communication facilities**
- c. Analysing the on board organisation of work (managing the administrative burden and adapting training provisions)**

On the invitation of the Chairman, **ECSA** advised that this matter had come forward in the context of the ECSA project on Training and Recruitment. Reportedly, it had also been addressed in the context of the Task Force on Competitiveness and Employment. The issue was also identified by the Social Partners as a priority for the Work Programme 2011. However, turning this issue into concrete is a difficult exercise as it relates to many issues, such as internet connection for seafarers, reduction of administrative burdens, organisation of onboard work, etc. Reference was also made to a recent statement of the Director General of the Danish Maritime Authority, Andreas Nordseth, notably that the EU shipping industry should “not work harder but smarter” in order to remain competitive versus global competitors. There are also ongoing or past projects such as Flagship, E-maritime, etc that could be of assistance. The question now is how to make this concrete. In this respect, it was suggested that the Social Partners would do some homework and discuss the issue further at future SD meetings.

The **ETF** agreed to look into this matter further and invited ECSA to prepare the ground and bring forward some concrete proposals for discussion at the next meeting.

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The meeting **agreed** that ECSA would prepare the ground and bring forward some concrete proposals for discussion at the next meeting.

E-Maritime

On the invitation of the Chairman, the **European Commission** provided an update on the content and aims of the E-Maritime project, i.e. create interoperable systems based on internet. The project is under discussion and an impact assessment will be carried out. A concrete Commission initiative may be expected (likely end 2011), notably a Communication or a Directive or possibly also some proposals for voluntary measures.

The **ETF** welcomed the initiative but wondered whether the social dimension of shipping has been taken into account in the discussions on E-Maritime.

ECSA welcomed the initiative too and agreed that the Social partners are very much interested in seeing what this project could bring as potential benefits from shipping companies and seafarers in a work-relation environment.

The **European Commission** advised that onboard communication facilities had also been discussed in the context of the Task Force on Competitiveness and Employment. It was acknowledged that connection techniques are available but the costs involved in offering them onboard as well as the way available onboard communication facilities have to be handled are an outstanding issue meriting further discussion.

The meeting took note.

- d. Social/Structural Funds: examination of opportunities out of these funds with regard to training and skills and possible Commission assistance of the industry to that end.**

The **Chairman** welcomed the representative from DG EMPL and asked him to provide Social Partners with an update on possibilities and opportunities under the Social/Structural Funds.

The **European Commission** explained that the Structural Funds are made up of the European Regional Development Fund (ERDF) and the European Social Fund (ESF) and they provide assistance which complements national actions, including actions at the regional and local levels, integrating into them the priorities of the Community. The objectives of the Funds are pursued in the framework of close cooperation, (partnership), between the Commission and each Member State. Each Member State organises, where appropriate and in accordance with current national rules and practices, a partnership with authorities and bodies. The funding available under these Funds is part of the multiannual programme that covers a period of seven years. The current funds cover the period 2007-2013 and there are currently discussions between the European Commission and the Member States with regard to the next multiannual programme, which is likely to cover the period 2014-2021. The next EU Funds will be based on a new set of regulations. In this respect it should be known that the content and approach of EU Fund Regulations can differ from one multiannual programme to another multiannual programme. Consequently, the rules

and procedures applicable under the current Regulations will not necessarily be the same under the next regulations.

As regards the current Regulations and Funds, the key is with the individual Member States that govern projects. In this respect it should be noted that money is still available, sometimes much more than one would expect, but time is running and in view of the current political discussions on the next Funds/Regulations, the Social Partners were recommended to prepare their case and put it before individual Member States.

ECSA thanked Mr. Chapman for his comprehensive explanation and concluded that money is available for the individual Member States.

The **ETF** referred to the need for maintaining maritime know how and skills in Europe and pointed at the vital role that European shipping plays for the EU economy. It was hoped that this would be reflected in both the Task Force recommendations and the forthcoming Communication on the Maritime Social Agenda. Equally, it was hoped that a maritime component would be added to the EU Funds that are currently under discussion for the next seven years with an aim at enabling the funding of several concrete projects (e.g. free communication onboard ships). It was stressed that Asian countries are doing many efforts to support their shipping industry, such as invest money for infrastructure renewal. The hope was expressed that the EU would do the same.

Whilst it acknowledged the (economic) importance of the shipping industry, the **European Commission** advised that it is currently under a huge political pressure from some Member States to keep a tight budget. This will have an impact on future projects that the European Commission is hoping to realise in future, such as the ambitions expressed in the EU 2020 Programme. The ultimate outcome of the current political discussions on the EU budget is unknown but what is known is the availability of EU funding under existing EU Funds. If the shipping industry would want to have a maritime component in the next EU Funds, the Social Partners may wish to join their efforts in lobbying the Council and European Parliament as they are the ultimate decision-makers as regards the EU budget.

The meeting took note.

e. Improvement of knowledge and perception of the industry amongst youngsters.

The **Chairman** referred to the ECSA and ETF projects on Training and Recruitment where one of the conclusions was that the knowledge and perception of the shipping industry amongst youngsters need to be improved.

ECSA advised that – reportedly – this issue had also been discussed in the context of the Task Force on Competitiveness and Recruitment and expressed the hope that it would be reflected as a recommendation in the final report of the Task Force. In the past there have been several national campaigns to improve the knowledge and perception of the shipping industry. Whilst a one size fits all approach is not suitable it is clear that some general conclusions can be drawn from the various national

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projects. It was suggested to await the final report of the afore-mentioned Task Force before the Social Partners would discuss this point further.

The **ETF** acknowledged that there is an important task ahead of us to improve the knowledge and perception of the shipping industry. He referred to the ongoing problem of piracy that triggers a lot of attention in the media and has an adverse impact on the industry's image.

The meeting **agreed** to keep this issue on the agenda for future SD meetings and to await the final recommendations from the Task Force on Competitiveness and Employment.

4. AOB

Task Force on Competitiveness and Employment

The **European Commission** advised that additional meetings of the Task Force have been scheduled for April, May and 1 June, the latter being the last meeting. Hereafter the Task Force is expected to produce a report with possible recommendations. The drafting of and discussion on recommendations are expected to take place in the following weeks. A representative of the Task Force will give an update at the occasion of the European Maritime Day in Gdansk in April. The Commission, furthermore, advised that the members of the Task Force had appreciated the exchange of views with the Social Partners at the hearing in January. Several issues have been identified and discussed during the previous meetings, one of them being the need for a methodology to gather reliable data on seafarers and employment. In this respect, DG MOVE has appointed a consultant (Guy Sulpice) to analyse existing and available data.

With reference to the delay of the activities of the Task Force, **ECSA** wondered whether the publication of the Communication on the Maritime Social Agenda would be delayed as well. ECSA, furthermore, wondered whether the European Commission has still the intention to organise a workshop for the Social Partners to discuss the findings/recommendations of the Task Force (report).

The **European Commission** confirmed that the Communication would be published after the publication of the final report of the Task Force. It remains to be seen whether there will be a workshop. Much will depend on the outcome of the Task Force activities/report.

The **Chairman** concluded that the publication of the Task Force report as well as the workshop following this report and the Communication of the Maritime Social Agenda are all delayed.

The meeting took note.

Schengen / Visa

ECSA advised that there are ongoing problems with seafarers not obtaining their visa in time and recalled that this problem has already been discussed a couple of times

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with the relevant Commission service. Regrettably, the European Commission has so far not been willing to take the shipping industry's concerns into account.

The **ETF** referred to the lack of ratification by EU Member States of ILO Convention 185 and wondered why EU Member States are laying behind in terms of ratification. The ETF acknowledged that there are ongoing problems with visa, which affect both seafarers and shipowners.

The **European Commission** advised that the issue had also been looked at in the context of the Task Force on Competitiveness and Recruitment and Task Force members have recommended that EU Member States should ratify ILO Convention 185 soonest.

ECSA underlined that the real problem at stake is not the lack of ratification by EU Member States of ILO Convention 185 but it is a Schengen problem.

The **Chairman** suggested inviting the relevant Commission service for an update and discussion at the next SD Working Group meeting.

The meeting **agreed** to invite the right person from the relevant Commission service at the next SD Working Group meeting to have an update and discussion. It was also agreed that there is a common interest for shipowners and seafarers in solving this issue.

Libya and Japan

ETF invited ECSA to give an update on the most recent developments with regard to Libya (war) and Japan (nuclear radiation) and noted that some shipping companies have already decided not to serve ports in Japan and/or Libya any longer, based on a (health) risk assessment. It was also wondered what more ECSA could do in this regard.

ECSA advised that it receives regular updates and information which is then passed on to shipping companies. Ultimately it is up to the individual shipping company to assess the potential risks, including health risks.

The meeting took note.

Piracy

ECSA recalled that a working lunch had been organised in the European parliament last year to have an exchange of views on piracy. At the occasion of this meeting, a new resolution from the European Parliament had been prepared but this resolution has been delayed because of internal procedural problems in the European parliament (e.g. there has already been a resolution on this topic in the past). The aim is to maintain political pressure on Member States. ECSA and ETF will approach MEP Said El Kadraoui once again to see what more can be done.

The meeting took note.

Farewell Laila Castaldo

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The **Chairman** advised that Ms. Laila Castaldo will leave the ETF soon to take up a new position in another organisation. He thanked her for her efforts and excellent work during the past years and wished her good luck with her new job.

The meeting thanked Ms Castaldo and wished her good luck with her new job.

5. DATE OF NEXT MEETINGS

The next SD Working Group meeting will be held on 8 July 2011.