



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG
Employment & Social Governance
Social dialogue

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
INLAND WATERWAY TRANSPORT**

Draft Minutes
Working group meeting of 15 May 2017

1. Adoption of the agenda

The meeting was chaired by Mr Kerkhof (ETF, BTB Belgium). Mr Bramley participated in the meeting for the last time. The social partners and the European Commission thanked Mr Bramley for his long-term work and commitment in the Committee. The agenda was adopted.

2. Adoption of the minutes of the last meeting (17 January 2017)

The draft minutes were approved.

3 Information by the Commission on:

a) Implementation process IWT Council Directive on Working Time

Mr Strohbach informed the social partners about the transposition of Directive 2014/112/EU on behalf of the COM service in charge (DG EMPL unit working conditions):

- 12 Member States (MS) have so far declared a complete transposition of the Directive: BE, EE, FR, HR, IT, LT, HU, NL, AT, SK, FI, SE.
- 9 Member States have declared that the transposition is not required for geographical reasons: DK, IE, EL, ES, CY, LV, MT, PT, SI.
- 2 Member States have declared a partial transposition of the Directive: DE and UK.
- 9 Member States received a letter of formal notice on 24/01/2017 for a non-communication infringement of the Directive. Member States had two months to reply to the Commission. According to these replies:

EE and FI notified implementing measures and declared a complete transposition of the Directive.

DE and UK notified implementing measures and declared a partial transposition of the Directive. They also indicated that the rest of the implementing measures were going to be adopted in the months to come.

BG, CZ, LU, PL and RO replied saying that the implementing legislation was going to be adopted in the months to come.

The national implementing measures notified to the Commission are publicly available via the following link: <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32014L0112>.

Next steps:

After examining the Member States' replies to the letters of formal notice, the Commission will decide whether to close the infringement procedures for non-communication or to continue issuing a reasoned opinion.

Geographical reasons provided by Member States for not transposing the Directive will be examined with the advice of the Legal Service.

In addition the Commission will carry out a "transposition check" of the national implementing measures notified by the Member States in order to determine whether the notification of the transposition is complete in terms of both geographical and material coverage.

Social partners pointed out that it cannot be accepted that some MS were not transposing the directive because of geographical reasons although the registered office or place of business of the undertaking or employer is situated in those MS (e.g. MT, CY). Therefore social partners (secretariats) agreed to monitor the transposition process closely and to stay in close contact with the COM service in charge.

b) State of Affairs Draft Directive on Professional Qualifications

Ms Rosca (HoU MOVE D3) informed briefly about the state of negotiation in trilogue. There are still difficulties in particular with regard to the issue of scope/transposition but an agreement under the Maltese Presidency remains possible.

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

Ms Marin-Combeaud presented the latest developments.

- Platform for change to increase gender equality in Transport

The EESC adopted an exploratory Opinion on the topic on 26 April 2017¹. The Commission will launch the platform on 27 November 2017. EU organisations will be invited to a preparatory meeting on 30 June. A lot of attention will be

¹ <http://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/women-and-transport-platform-change>

paid to the quality of the commitments and their monitoring so that lessons are learnt and good practices are spread.

- Studies

a. Follow-up of the EP Pilot project on the attractiveness of transport (study published in July)²: a participatory meeting will be organized in 2018 to discuss how best to follow-up the conclusions of the study.

b. "A business case to increase female employment in Transport"

The launch of the study was delayed for administrative matters, it is expected to start in September. Inland navigation companies willing to be part of the study can contact DG MOVE.

- European Parliament: hearing on women in Transport

The hearing was organised by the TRAN, EMPL and FEMM Committees on 10 April. Ms Hacksteiner for EBU and Ms Tilling for ETF were both speakers at the event.

- Platform on Undeclared work

Member States and Horizontal social partners are members. For transport, IRU (International Road Transport Union) and ETF are observers. A seminar dedicated to Transport is in the work programme of the platform for 2018. Inland navigation could be one of the sectors covered (issues of bogus self-employment and letterbox companies could be addressed). The decision will be taken by the platform itself by the end of the year.

d) Representativeness study

Mr Strohbach informed that Eurofound sent the questionnaires to our Eurofound national correspondents on 12 May 2017. These national correspondents will collect information (by the end of June 2017) on the social partners in the IWT sector of the given country. This means that national social partner affiliates will be asked for membership data, involvement in collective bargaining etc. Therefore the secretariats of the social partners should inform their national affiliates, that they will be contacted by Eurofound national correspondents.

Based on the collected data national reports will be drafted (summer 2017). These draft reports will be sent to the social partners (secretariats) for correction and completion, where necessary. The national reports will not be published.

A tendered contractor will draft an overview report (representativeness study) based on the revised national reports.

It is envisaged to have a draft version of the representativeness study ready by the end of the year, giving social partners the opportunity to comment on that. Finally, the representativeness study will be evaluated by the Eurofound Advisory Committee. Social partners will be invited to this meeting.

² https://ec.europa.eu/transport/themes/social/studies/social_en

After the evaluation in the Eurofound Advisory Committee the representativeness study will be published.

4. Follow up of TASCs project

On 3 May 2017 the first focal group meeting of the TASCs project took place in Brussels. Several experts and representatives from the CCNR were invited to the meeting. The meeting was chaired by Mr Koning who informed social partners about the outcome of the meeting. The approach, methodology and scientific standards were discussed. A representative sample of 50 vessels needs to reflect as much as possible the entire sector, in particular in view of all the different types of vessels that need to be considered. Additional feed in will be provided by the Focal Groups & various Work shops and thus it is essential for those participants to have practical experience. Mr Rusche (CCNR) underlined that the CCNR is prepared to support the social partners in implementing the project.

5. Social Security in European Waterways

Mr Otting (DG EMPL) presented the current state of play of revision of the Social Security Coordination Regulations.

The Labour Mobility Package, part of the 2015 and 2016 Commission work programmes, aims at supporting labour mobility and tackling abuse by better coordinating social security systems, carrying out a targeted review of the Posting of Workers Directive and by enhancing the European Network of Employment Services (EURES).

On 13 December 2016 the European Commission presented 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 the latter. The proposal modernises the current rules to ensure that they are fair, clear and easier to enforce. The proposal facilitates free movement of workers and protects their rights, while reinforcing the tools for national authorities to fight risks of abuse or fraud. It makes a closer link between the place where contributions are paid and where benefits are claimed, ensuring a fair financial distribution of burden between Member States. Social security coordination rules in the EU have existed since 1959 and they are regularly modernised to ensure that they are fit-for-purpose and respond to the social and economic reality in the EU.

The aim is to ensure that the rules on social security coordination respond to recent social, economic and political developments in the EU countries. The proposal focuses in particular on a number of areas which have not been satisfactorily covered to date and where improvements are required: economically inactive citizens' access to social benefits, long-term care benefits, unemployment benefits and family benefits.

At the European Parliament, the file has been assigned to the Committee on Employment and Social Affairs (EMPL) The proposal was discussed as well on the EPSCO Council on 3 March 2017.

Mr Otting referred in particular to the social security legislation applicable to vessel crew on inland waterways (presentation). He focused in particular on the issue as to which legislation is applicable for the crews.

Social partners underlined the importance of social security for the European inland waterway transport sector. Social partners have requested several times that the seat of the operator should be used for determining the social security legislation to be applied. This is crucial for equal treatment on board and fair competition. In that respect social partners agreed on a joint position and sent a letter to the Administrative Commission for the coordination of social security systems (20 January 2016).

6. Discussion & adoption work programme 2018-2019
On 6 March 2017 Ms Chaffart sent the draft work programme 2018/2019 by e-mail. This draft has focused on 6 objectives and the expected results. Social partners discussed the draft and agreed on the fact that some discussion is still needed. Therefore the secretariats will work on that. Based on that the work programme should be adopted it in the meeting on 10 October 2017.
7. 50 years of IWT Social Dialogue Committee – adoption press statement

Mr Bramley presented the ETF position with regard to the 50 anniversary of the SSDC IWT. He pointed out that social dialogue can take on many forms, but mainly it is the joint effort of social partners as spokespersons of the European Employers and Workers, to consult, to discuss and to negotiate enhancement of both the social and economic well-being. Its final outcomes can be very varied and encompasses tools, guidelines, agreements and even regulations, each with their own specifics regarding enforceability.

He highlighted that from all European Social Partners' agreements that have been transposed into Council Directives, ETF concluded over half of them and thus ETF gained the reputation of being amongst the most productive ones. IWT concluded its Working Time Agreement in 2012 and on 19 December 2014 the Transport Council adopted the Council Directive. A milestone for the sector!

In addition he referred to current challenges of the sector and underlined the importance of establishing an atmosphere of trust and mutual respect which is essential for the success of social dialogue.

He therefore thanked all involved partners and supporters who have made the SSDC IWT such a success within the last 50 years.

ETF has prepared a press release to celebrate the 50 anniversary of the SSDC IWT (attached).

Mr Koning underlined that social dialogue has become an indispensable part of the sector. Social dialogue has contributed to establishing IWT as an economic, sustainable and environmentally friendly way of transport. To have a real dialogue it is necessary to listen to each other and exchange opinions in an atmosphere of mutual trust and understanding. He highlighted the outcomes of

the SSDC IWT and in particular the 2012's Working Time Agreement. In addition he thanked all partners.

Ms Beckschäfer used the opportunity to express her thanks to all partners for the excellent cooperation between all partners.

Both Mr Dion (HoU Social Dialogue DG EMPL) and Ms Rosca (HoU DG MOVE D3) highlighted the importance of (European) social dialogue and congratulated social partners in IWT to the 50th anniversary of this Committee. Mr Dion emphasised that social dialogue is a key element for the European social market economy. It improves policy making by bringing decisions closer to those that are directly affected and that are best placed to assess the policy options. And, it creates ownership of these decisions and hence fosters a more cohesive society. Therefore COM President Juncker explicitly called for the re-launch of the (European) Social Dialogue. This new start of the (European) Social dialogue focuses in particular on three issues: social partners have to be involved much more in the economic governance process, they have to be involved better in the policy and law-making exercise and capacity building is essential.

Both Mr Dion and Ms Rosca (HoU DG MOVE D3) congratulated the social partners for the fruitful sectoral social dialogue and used the opportunity to thank them for the good cooperation between the two sides of industry and the European Commission. The European Commission is committed to continuing to support the European Sectoral Social Dialogue and to helping to also promote social dialogue at national level.

8. ILO study – presentation by the ILO representative

The ILO (Mr Wagner) was contacted by e-mail on 13 December 2016 and was asked to present the ILO study (living and working conditions) in one of the SSDC meetings in 2017. In an e-mail of 14 December 2016 Mr Wagner expressed his willingness to do so either in the May or October meeting in 2017. Despite the fact that the COM sent a reminder no further response has been received so far.

9. AOB

CESNI – update on activities & state of play

Mr Rusche informed about the first assembly meeting with the Danube Commission in Budapest (Danube Commission building). There are four language versions: NL, DE, FR and EN. The meeting focused on the competence standards, medical criteria and developments in the Trialogue.

CCNR - ad hoc group for crewing requirements

Mr Koning informed about the meeting of the ad hoc group which took place in Budapest on 11 May 2017. He presented to the ad hoc group the view of the social partners with regard to rest time of crew members during navigation. This is one element of the social partners' strategy with regard to crewing requirements. The current requirements are based on compromises of 1986. A

round table discussion took place in 2014 in which it was identified that the crewing requirements needed to be up-dated. Mr Koning pointed out in the ad hoc group meeting that social partners would like to have a fundamental revision of the crewing requirements based on comprehensive research and would like to have clear provisions with regard to digital control instruments. Social partners sent several letters to the CCNR in which they explained their position. He also pointed out in the ad hoc group meeting that social partners have not agreed on any reduction of the mandatory rest time of crew members.

Mr Rusche underlined that the Dutch delegation is working on a text proposal.

<p>Employers: 8</p> <p><i>(6 ♂, 2 ♀, 4 different Member States)</i></p> <p>EBU</p> <p>Mr Koning (NL) vice-chair Mr Naaborgh (NL) Mr Stommel (DE) Ms Kegels (BE) Mr Rous (FR)</p> <p>ESO</p> <p>Ms Beckschäfer (DE) Mr Kester (NL) Mr van Lancker (BE)</p>	<p>Workers: 11</p> <p><i>(8 ♂, 3 ♀, 7 different Member States)</i></p> <p>ETF</p> <p>Mr Kerkhof (BE) chair Mr Bramley (ETF) Ms Chaffart (ETF)</p> <p>Mr Jerabek (CZ) Mr Misic (HR) Mr Kraijenoord (NL) Mr Kerkhofs (BE) Ms Latron (FR) Ms Nikolova (BG) Mr Karavatchev (BG)</p> <p>Mr Sukhorukov (Russian)</p>
<p>Central Commission for the Navigation of the Rhine (CCNR): Mr Rusche (DE)</p> <p>European Commission</p> <p>Ms Ms Rosca, Rousseau (DG MOVE) Ms Marin-Combeaud (MOVE) Ms Rosch (MOVE) Mr Dion (DG EMPL) Mr Otting (DG EMPL) Mr Strohbach (DG EMPL)</p>	