



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment & Social Governance
Social dialogue

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
INLAND WATERWAY TRANSPORT**

**Minutes
Plenary meeting of 5 October 2016**

1. Adoption of the agenda
The meeting was chaired by Mr Kerkhof (ETF, BTB Belgium). The agenda was adopted.
2. Adoption of the minutes of the last meeting (11th April 2016) and matters arising.

ETF had revised the draft minutes. Based on this revision the draft minutes were approved.
3. Information by the Commission on:
 - a) Implementation process IWT Council Directive on Working Time

The Working Time Directive was published on 19 December 2014. Member States are obliged to transpose the directive into national law by 31 December 2016.

A new Head of unit will take over the Labour Law unit of DG EMPL mid October 2016. He has to decide who will replace Ms Widera who dealt with the file until her leave from DG EMPL.

The replacement/Head of unit will be invited for one of the next meetings in order to explain the current legal situation and how to react to that.

Social partners were informed about the current state of play in the Member States.

In Bulgaria, France, Belgium, the Netherlands, the Czech Republic, Germany and the UK the transposition of the directive is in progress. No real problems are expected. The Croatian social partners pointed out that the transposition is delayed in their country. However, the finalisation of the legal process is expected by early 2017.

b) State of Affairs Draft Directive on Professional Qualifications and other EU legislative initiatives having a bearing on the European IWT Sector (core network, digitalisation, and temporary workers initiative)

Ms Rousseau outlined DG MOVE's social agenda for IWT which aims to build up a modern, sustainable, flexible and well-enforceable legislative framework at EU level. It is represented by a jigsaw with 4 pieces. The first one is the Directive 2014/112/EU implementing the European Agreement concerning certain aspects of the organisation of working time in IWT. The second is the coming Directive on the recognition of professional qualifications. The third concerns the modernisation of crewing requirements at EU level and the fourth one consists of electronic tools supporting the efficient implementation of the other pieces of the social agenda, developed under the umbrella of the Digital Inland Waterway Transport Area (DINA). She gave an indicative plan for the adoption and/implementation of various initiatives.

Ms Rousseau dedicated more time to the state of affairs of the future Directive on the recognition of professional qualifications under discussion by the co-legislator. She informed us about the key milestones already achieved and provided an outlook for the next steps. She also informed the social partners about the Commission's most important concerns on the Council's amendments as well as preliminary views on Ms Meissner's draft report, though the Commission at this moment reserves its position on the amendments proposed in the European Parliament. She also gave a brief outline of the work on standards expected from CESNI.

Ms Rousseau also communicated on horizontal social issues, in particular on various EU actions in the field of gender equality, on the follow up of information sessions on tools for facilitating employment, on the publication of the "Practical guide on Jurisdiction and applicable law in international disputes between the employee and the employer" and on the recent EP resolution on "Social dumping in the European Union".

Finally, she gave brief information on the state of play with respect to the request to use the reserve fund, on the recent adoption of non-road mobile machinery legislation and on the coming TEN-T call info day.

After Ms Rousseau's presentation, discussions took place on the future Directive for the recognition of professional qualifications. Debate focused firstly on possible new requirements emanating from the EP that would increase the minimum navigation time required to obtain a certificate, with an almost unanimous concern expressed vis-à-vis the corresponding amendments as these would make the entry to the profession less attractive. The second focus was on whether ferries should be included or not in the scope. On this point, organisations representing employers and those representing employees had more distinct views. The first group argued for an exemption pointing out the specificities and referring the principle of subsidiarity and negative impact on small businesses. The second group argued that also people working on ferries should demonstrate a high level of competence and be able to benefit from the recognition of their qualifications.

Discussion also addressed future actions on crewing requirements. Employers' organisations consider that urgent action is needed on short term solutions i.e. by modifying limited and specific RPN provisions. They questioned the Commission's negative views on such a move. Ms Rousseau explained that the social partners have introduced a request for EU funding of a study that is aimed at setting up a new modern and sustainable crewing system at EU level. Future modifications should be made taking into account the results of this study. Therefore, action at EU level is preferable and more coherent. She also warned that action at regional level could undermine a future action at EU level, even if the result of such action is suboptimal from an EU perspective as has been experienced for the professional qualifications. Social partners pointed out that they have agreed to resolve a limited number of problems by way of adaptations of the RNP Regulation prior to the envisaged fundamental revision of manning regulations at European scale. They called upon the Commission to respect their agreement.

ETF expressed their unwillingness to further cooperate in this dossier in view of Ms Hacksteiner's position expressed in the eIWT Ispra workshop with respect to the recording of working time. For ETF, the recording of individual crewmembers working- and resting times is essential and was an integral part of the Working Time Directive. Also excluding self-employed persons from such a recording is unacceptable for reasons of safety. EBU and ESO agreed that working time registration should be provided for in modern means of control and supported the envisaged digitalisation. However, working time registration cannot be enforced to ship owners and self-employed crew members because the working time directive does not apply to them. ETF suggested that for reasons of safety there must be some kind of limitation of steering time, also for the self employed. Self-employed crewmembers should therefore be involved in the registration accordingly. ESO and EBU confirmed that they are willing to discuss registration of steering time.

4. Follow up of TASCs project

The leading IWT manning regulation in force is the Regulation for Rhine Navigating Personnel (RNP). The regulation dates back almost 30 years and has not been revised in depth ever since. The last 3 decades however have witnessed a lot of changes that impact on the sector – be it technological or non-technological changes.

To take it a step further social partners have applied to the call "support for social dialogue" for the TASCs project which aims at identifying and assessing all critical elements and/or influences that impact on the crew members on board of a vessel whilst at work or at rest.

The final aim of this European Social Partners project/study is a documented proposal with different options, for an easy to use (transparent, flexible, sustainable) and easy to enforce manning instrument for the European waterway network, taking relevant differences in characteristics into account. The outcome of the project/study shall form the basis for new regulations (or provide evidence that the existing regulations are found to be adequate) to come.

The decision of the Commission on whether the project can be funded is expected in November 2016.

5. Working Groups report & state of play

Social partners agreed to put the working groups (*on crewing, on living and working conditions and on unfair competition*) on hold in order to ensure a proper follow up of all ongoing initiatives which affect the IWT sector.

6. Social Security in European Inland Waterway Transport – Social Partners' initiative

Ms Chaffart referred to the Article 16 (exceptions) of the regulation No 883/2004 (29 April 2004) on the coordination of social security systems which was discussed at the first meeting with the Administrative Committee for Social Security Systems at EU level. As an outcome of the meeting social partners were confronted with 5 questions. In the working group (social security) meeting in Rotterdam on 20 June 2016 social partners discussed these questions and prepared a draft reply which was circulated among social partners.

Ms Chaffart summarized the draft reply:

1) How do SPs contribute to a level playing field and how to ensure transparency?

Social partners meet regularly with Aquapol to exchange positions on increasing the transparency in the sector. Social partners underlined the importance of having one social security system which applies to all crew members on the same vessel.

2) What happens if a commercial exploitant has a seat in a non CASS country? Social partners highlighted the freedom of establishment within the EU as a fundamental principle. However, the problem according to social partners is caused by measures to bypass social legislation.

3) Could social partners reverse priority rules?

Although there is a theoretical option social partners will not do so.

4) Does the indicative rule apply to all crew members or to nautical staff only? Social partners demand one rule which applies to all staff. Outsourcing of staff to non CASS countries undermines social security and the competitiveness of the sector.

5) What law has priority?

Social partners lack expertise and therefore external support is needed.

Social partners agreed to continue to defend their joint position developed in this Committee, encompassing that the seat of the operator must be the single criterion to determine the applicable social security system to all crewmembers on board a vessel throughout the European inland waterway network. In addition input/support from the COM was requested to learn more about the revision of the regulation No 883/2004 in particular in view of mobile workers.

7. Draft Agenda next meeting

The participants agreed to keep an identical agenda for the next meeting. In addition social partners requested COM information relating to the

transposition of the Directive on Working Time as well as to the revision of the regulation No 883/2004.

8. AOB:

- ILO IWT European report

The ILO commissioned and published a report on living and working conditions in European inland waterways. Mr Bramley suggested that social partners involved in this Committee should study and discuss the report with an ILO representative.

- Planning meetings 2017

The meetings in 2017 are scheduled as follows:

Tuesday	17/01/2016	WG
Monday	15/05/2017	WG
Tuesday	10/10/2017	PL

Participants 05.10.2016

<p>Employers</p> <p><i>(5 ♂, 1 ♀, 3 different Member States)</i></p> <p>EBU</p> <p>Mr Koning (NL) vice-chair Mr Naaborgh (NL) Mr Stommel (DE)</p> <p>ESO</p> <p>Ms Beckschäfer (DE) Mr Kester (NL) Mr van Lancker (BE)</p>	<p>Workers</p> <p><i>(6 ♂, 3 ♀, 6 different Member States)</i></p> <p>ETF</p> <p>Mr Kerkhof (BE) chair</p> <p>Mr Bramley (ETF) Ms Chaffart (ETF) Mr Jerabek (CZ) Mr Misic (CR) Mr Kraijenoord (NL) Mr Kerkhofs (BE) Ms Latron (FR) Ms Nikolova (BG)</p>
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Central Commission for the Navigation of the Rhine (CCNR)

Mr Rusche (DE)

European Commission

Ms Christelle Rousseau (DG MOVE)

Mr Strohbach (DG EMPL)