

**SECTORAL SOCIAL DIALOGUE COMMITTEE
IN THE MARITIME TRANSPORT
PLENARY MEETING**

BRUSSELS, 28 APRIL 2006

Chairman: Mr Abrahamsson (Sweden, ETF).

Commission attendees: Mr Economou (DG TREN), Ms Vartsos-Tzannetakis (TREN), Ms Devouche (DG TREN), Ms Sillanpaa (DG EMPL), Mr Hadrich (DG EMPL)

Dirk Hadrich was introduced as the person who will be in charge of the coordination of the SSDC Sea Transport on behalf of the Social Dialogue unit of DG EMPL.

1. Adoption of the Agenda

ECSA having received the proposal of the Commission to discuss the very complex issue of the review of the STCW Convention only 2 days prior to the meeting, it did not agree on having a discussion of this matter considering as well the lack of appropriate expertise.

The agenda was approved as drafted.

2. Report of the last SDC plenary meeting (30 November 2005)

ETF amendments have not been taken into account sufficiently and some paragraphs were not known to ETF. ECSA wanted some ECSA statements to be corrected. It was decided not to adopt the minutes at this stage and the ETF and the ECSA secretariats were asked to agree on a final version in a spirit of consensus

3. ILO consolidated convention on maritime labour: outcome and issues related to its possible transposition into EU law

The ILO consolidated maritime labour convention was adopted on 23 February 2006.

A note for the file circulated in October 2005 gave an overview of the means and instruments for the implementation of this convention and where the option of transposing some provisions of the consolidated ILO Convention into EU legislation on the basis of an agreement between the social partners was addressed by DG TREN.

Following a meeting in April, ETF had sent 8 questions to the Commission. Beside, a list of ratifications of ILO Conventions in the EU Member States and candidate countries has been made available.

ETF welcomed the input of the Commission both to the European social partners and to the Member States to encourage the ratification of the Convention. It proposed a joint statement to be adopted at the meeting, appreciating the work and efforts that have been put into the Convention, recognising its global strength and promoting the

national ratification as a future priority. Furthermore, ETF proposed to set up a working group involving a representation from ILO to investigate the feasibility and consequences of a sectoral social partner agreement and to propose an appropriate action to the Committee.

ECSA felt that the reference in the circulated paper on ratification to a distinction between 'Member States' and 'New Member States', as well as to 'Notorious Flags', was inappropriate; moreover, to assist the discussion, it would be helpful if ECSA could see the questions to which the circulated papers were responding to. ECSA stressed the complexity of the issue and the need to spend sufficient time examining all the consequences of an EU initiative.

ETF found it more appropriate to discuss the generality of the issue rather than to go into side tracks. It would be important for instance to find out what portions of the convention do already exist in EU legislation. The elaboration of a joint statement aiming at encouraging the ratification of the ILO MLC 2006 by the Member States, and the setting up of a joint ad-hoc working group on this Convention were proposed.

ECSA did not see its questions as detail issues. It was agreed that ECSA would receive the remarks and questions sent to the Commission by ETF. ECSA did not see the purpose of dividing Member States into "Member States" and "new Member States".

As for the distribution of countries in the list, DG TREN explained that it was impossible to integrate all the countries in a list on one page and that there was no hidden intention behind the breaking.

ECSA agreed with ETF to work on a joint statement to encourage the ratification of the convention. ECSA also agreed to set up a working group on the ILO convention. Input from the ILO would be very useful for this working group.

DG TREN was very happy about the success reached in Geneva and recalled that the Commissioner Barrot expressed its satisfaction while encouraging Member States to ratify the Convention and Social partners to explore the means to implement the Convention; DG TREN informed also that work was in progress to encourage the ratification. Furthermore, there were plans in parallel to issue a Commission Communication explaining how the Commission views on the different options and on the possible role of the social partners. In any case, the setting up of a working group including a representative from the ILO was welcomed and would fit with the Commission's agenda. Also a joint statement to encourage the ratification would be consistent with the Commission's action.

ETF saw the need to prepare the terms of reference for the working group since it would be the objective to assess the impact and to get more information on priority questions before being able to commit into any negotiation of an agreement. ETF was disappointed about the number of ratifications in the cases of the ILO 185 convention concerning seafarers ID or the ILO 180 convention. ETF was concerned about the problems that could arise after a potential sectoral agreement if the ILO Convention would still not enter into force because of poor ratification. ETF would not like to harm the international ratification and would like to see an implementation method committing Member States to ratify the Convention.

4. Transport Council conclusions of December 2005

Many points were raised within the Conclusions on employment of seafarers, some of which were of interest for the group. The Council noted the progress made in the EU social dialogue arena and encouraged the social partners to consider taking up again the manning Directive. The Chairman referred to the Commission's support to the social partners working towards an agreement on manning conditions on regular ferry services between Member States.

ETF found that the Council Conclusions were very positive words but they lacked particular commitments. ETF was disappointed that the ship-owners were not invited to employ EU national seafarers. As regards manning conditions, the ETF asked several times if the ECSA to give them a clear answer as to whether or not they would be willing to enter into negotiations with ETF with a view of concluding an agreement that would provide for increased security and employment of EU national seafarers on ships engaged in intra-Community trades. It added also that the regeneration of the employment levels and skill base of EU national seafarers should be an issue as well and indicated that the Dublin conference in 1996 had already identified EU seafarers as being an endangered species and it saw a need for action on this issue. There would be many more issues in the maritime sector that would have to be tackled as well.

With reference to manning conditions, ECSA reiterated that it considered the ETF paper from July as a policy document rather than a practical approach to promoting employment of EU national seafarers and attracting young people to the seafaring profession. The Council Conclusions contained many helpful and uncontroversial elements; ECSA found a lot of consistency between the wording of the Council Conclusions and ECSA's aspirations. For example, the seafarer supply/demand picture, the cluster concept, career mapping, maximising the use of State Aid Guidelines and recognition of the importance of the ILO Maritime Convention. ECSA's intention to hold a workshop in consultation with ETF to exchange best practice was another concrete proposal put forward. ECSA confirmed its will to establish an action plan on follow up actions.

In response to the question of the ETF on an agreement on manning, the ECSA considered that there was a large measure of consensus on the goals, while there was disagreement on the means. Clear progress would therefore seem unlikely.

Finally, ECSA considered that there would be the need to look at the overall maritime industry in a broader context and to address issues relating to employment prospects in the EU maritime sector and not only on ferry boats. By using a metaphor, ECSA stressed that it wouldn't make sense to examine the "*individual parts of a machine*" without considering the "*whole machine*". The maritime cluster would be far more than only the ships. Also the secondary suppliers, shipyards, shipping offices etc would have to be looked at.

ETF concluded that as far as they were concerned ECSA was not willing to enter into negotiations on the specific issue of manning conditions on intra-Community trades

The Commission said it was necessary to distinguish between the follow up to the Council Conclusions and the manning conditions issue.

The Commission also noted that from their perspective the issue was whether or not a voluntary agreement in relation to ferries could be concluded, and it was clear that a stalemate situation had resulted; no progress appeared possible, it not being necessary or useful to apportion responsibility in that context. The Commission would reflect on the issue, with an analysis of the sector possibly to be undertaken.

The Chairman pointed out that a joint follow up and useful discussions within the Committee would be needed as regards the Council Conclusions invitations to action addressed to the social partners, with the exception of manning conditions. On this point, he concluded that there was no joint will to work on an agreement and that it seemed unlikely to have constructive and realistic negotiations in this field.

5. STCW Convention

The Commission while acknowledging the late addition of this item on the agenda, it reiterated its wish for a timely preparation of the discussions and circulation of the draft agenda by the social partners. The intention of this item was rather to draw attention to the fact that a revision was being undertaken in the IMO (to be concluded by 2008) considering the relevance of this issue with the SDC work and the existence Community competence. A contribution of the social partners would be appreciated by the Commission.

ETF recalled that it had been furious at the withdrawal of the UK's submission to IMO on safe manning due to an apparent issue of EU competence but noted that a similar paper from all Member States had now been submitted. They welcomed discussions on the issue in the SDC and indicated that it will give consideration to this issue.

It was agreed that the item would remain on the agenda for the next meeting and be included in the Work Programme.

6. 2006 SDC work programme

In the last meeting a draft work programme was presented. However, it was decided that the secretariat should have looked over the work programme before end 2005.

ETF confirmed that no such discussion had taken place in the secretariat because of some pending issues. ETF found that the work programme should be reduced down to fewer priority issues. ETF considered the ILO issue as an important priority, but stressed on the fact that the following other matters should receive the same attention: health and safety and a general umbrella item like EU employment security and development that could cover promotion, training etc.

ETF referred to the DG TREN production of a video and website on maritime careers regarding the promotion of the sector and increasing the profile on the value of a career at sea. ETF referred to the idea on the production of another video as regards

ratings. ETF wanted to know from the Commission if there had been any developments.

DG TREN said that while it was working on a updating the website, there were no plans in progress to produce a video on ratings. DG EMPL pointed to the website of the social dialogue unit of DG EMPL where information and news about the sectors could be found.

ECSA felt that the ILO Convention was the clear priority item but that the other issues could be included in a Work Programme for 2006/07 under a general heading.

DG EMPL confirmed that the social partners joint work programme would not be subject to any formal approval by the Commission but that it was high time to agree on the 2006 work programme and to transmit it to the Commission. It would also be necessary to indicate the expected output, a timetable and deadlines in the work programme.

It was decided to finalise a work programme for 2006-7 within 3 weeks and to send this urgently to the Commission.

7. Date of next meetings

A working group on the ILO convention should take place in June.

It was decided to cancel the working group on 9 June.

The next meetings are planned for:

- 27 October 2006
- 11 December 2006

8. Any other business

(No item of discussion)