



EUROPEAN COMMISSION  
DG Employment, Social Affairs and Inclusion

Employment and Social Governance  
**Social dialogue**

**SECTORAL SOCIAL DIALOGUE  
COMMITTEE  
INLAND WATERWAY TRANSPORT**

**Minutes  
Plenary meeting of 12 October 2015**

**1. Adoption of the agenda**

The meeting was chaired by Mr Koning (EBU), chairman of the committee. 2 additional items were added to the agenda under item 3.

**2. Adoption of the minutes of last meeting**

Participants agreed on revising the draft minutes of a given meeting in advance of the next meeting.

**3. Information by the Commission**

**a. Implementation of the Working Time Directive**

The Working Time Directive has been published and it is now up to the Member States to transpose it by 1.1.2017. The Commission has received signals that some Member States have started the process of implementation. The Commission will closely monitor this implementation process. Social partners in the Netherlands and Germany have already been contacted by the national authorities.

**b. Presentation "The future of Sector Skills Initiatives" (DG EMPL)**

Mr Rohn presented the Sector Skills Initiatives within the framework of ERASMUS+ in the period 2014 – 2020. The key action of ERASMUS+ comprises 3 pillars (learning mobility, cooperation for innovation and good practice as well as support for policy reform). The previous sector skills councils have been integrated into the sector skills alliances. The new sector skills alliances cover 2 Lots. More information can be found: [http://ec.europa.eu/programmes/erasmus-plus/index\\_en.htm](http://ec.europa.eu/programmes/erasmus-plus/index_en.htm)

**c. Update on the PLATINA 2 project (DG MOVE)**

DG MOVE indicated that the impact assessment for the Professional Qualification Directive received a positive opinion from the Regulatory Scrutiny Board in July of this year. Now the Directive is being prepared in order to be discussed in the Council during the Dutch presidency.

As for Platina II work progress, two actions have been presented: the first one is the study on data sets and data gap identification for calculating external costs of emissions into the air by inland navigation (deadline end 2015). The other one is the launching of ESO and EBU's survey on IWT operators in order to identify the financing needs of the sector. Operators are asked to fill it in during the month of October.

Social partners highlighted some difficulties in answering the questionnaire, the differences in the definition of Inland Waterways in the Member States as well as a request for financial support of the IWT for greening the sector.

On the topic of emissions, Ms Moosbrugger referred to the meeting in Strasburg in the previous week where the sector presented a position which could be seen as an appeal to the EC to reconsider its position.

#### **d. High level conference 4 June 2015**

Mr Strohbach informed briefly about the conference 'A social agenda for transport' on 4 June 2015. This conference was a common event of DG MOVE and DG EMPL. Both commissioners gave a speech. Participants were stakeholders in the broadest sense, i.e. social partners (and related organisations), officials from Member States, technical experts, and lobbying organisations (including customer organisations). Mr Koning spoke as a panellist in the Workshop "How to strengthen the involvement of social partners in the EU transport policy".

The intention of DG MOVE (organiser) was to gain a better understanding of the problems of stakeholders/social partners in the transport sector. As an outcome of the conference social issues in the transport sector have become more visible and DG Move will follow this up more closely (e.g. upcoming MOVE initiatives).

#### **4. Working groups**

##### **a. Working group on living and working conditions**

Ms Chaffart pointed out that after the last SSDC several meetings were held. It was decided to postpone the envisaged project application.

Mr Rusche shared the opinion of ETF. He suggested to conduct a combined study which should cover the aspects of both the working groups on living and working conditions and crewing.

Ms Moosbrugger underlined the support of the CCNR for such a study.

##### **b. Working group on crewing**

Mr Rusche referred to the joint letter of the social partners. Social partners were now in a position to negotiate the tender of the study. However, feedback from the CCNR was expected to meet the expectations. No details of the study (e.g. target audience, what to investigate) had yet been discussed.

In this respect Mr Koning highlighted the meeting on 17 November to which social partners had been invited. In addition, he raised general questions on the type of material to be used for the study and on who should be responsible for the crewing standards (operator/legislator).

Ms Chaffart referred to the third working group "unfair competition". The rationale of the working group is to ensure a set of pre-conditions for all operators to carry out business. The cost of the crew was one of the determining factors of the business. The full transfer of the liability/responsibility of crewing standards from the legislator to the operator/the company would not match this set of pre-conditions.

Mr Rusche said that he saw unused potential in using the infrastructure. Therefore more flexibility was needed in terms of operating hours. The ship owner needed a legal framework. However, a more pragmatic approach was needed to make use of the

full potential. Therefore the discussion should focus more on flexibility and less on responsibility.

Mr Bramley highlighted the objective of the study which should be the agreement on a European system. If we transferred responsibility from the legislator to the operator, we would get on board 28 different control authorities from the Member States. Therefore the administrative burden would increase. Instead IWT should look for a nice, simple and easy working system.

Ms Moosbrugger pointed out that the study should be linked to the discussion of the Round Table in November 2014. However, she underlined the importance to focus on the timing in order to meet the deadline of the call for proposal (spring 2016).

Therefore Mr Rusche demanded a more proactive approach to the tender for the study.

Ms Chaffart proposed to discuss the study in a preparatory meeting prior to the CCNR meeting on 17 November 2015. Finally a meeting was scheduled for 19/10 in Trier.

### **c. Unfair competition – social partners to report on collection of cases on unfair competition**

Ms Chaffart reported that a draft report had been produced. However, fine tuning was still needed. Items of unfair competition which had so far been identified in the draft report were social dumping (a definition of a transport price mechanism is needed), too much fragmented legislation in the sector (one comprehensive directive should be established), precarious working conditions (missing of efficient control mechanisms), labour and contract law (directive for the sector is needed), social security (harmonization is needed) self-employment, charging rules, cabotage, chain of responsibility and technical guidelines. The long term aim of the working group is to establish a social code in the sector.

A next meeting of the working group will be fixed via written procedure.

### **5. Social security European inland waterways: social partners' initiative regarding IWT social security**

Mr Bramley informed the participants that the Administrative Centre for Social Security (CAS) met in Spring 2015 and decided to launch an initiative (social security system) at European level which takes into consideration the current composition of the Troika which includes two members of the CAS (LU and NL). In addition, there was an extra CAS meeting in July. At that meeting the LU representative presented a draft proposal. Shortly after the meeting the chair of CAS distributed the news that the Belgian Minister responsible for social security stopped the process of the initiative due to insufficient material. Therefore the Belgian government could not support this initiative.

In the meantime, a delegation of SP including Mr Joris Kerkhofs met with the Belgian cabinet to discuss the issue. Neither a positive nor a negative answer was given.

Ms Latron and Ms Braat pointed out that the French authorities too had reservations concerning the initiative. The reservation referred in particular to the location of the registration which has to be in line with European law (Who is the operator? Is it a real one or a letter box? Can it be ensured that the operator is not in a country which does not apply the social security system?). Mr Bramley said that when Directive 883/2004 came into force CAS was the correct way to get all employers, employees and governments on board to achieve a European solution. So far, social partners were

successful in achieving such a European solution. Therefore there was no necessity to change the strategy. Social partners should continue and use the power of the SSDC IWT.

The social partners agreed on drafting a letter and sending it to the Belgian and French authorities. In this letter they would strongly insist on these authorities to lift their reservations.

## 6. Work programme 2016/2017

Mr Koning explained that the work programme 2016/2017 still needed some minor adjustments before approval.

Mr Strohbach encouraged social partners to strengthen the result orientation of the work programme.

## 7. AOB /Draft Agenda next meeting

The participants agreed to keep an identical agenda for the next meeting.

Ms Chaffart referred to an article in a newspaper about a new consultation platform which was supported financially by both EBU and ESO. She asked for more information and, being a social partner, kindly asked to be informed prior to such a decision.

Mr Koning explained that the responsibility of these organisations is broader than social dialogue. However, he announced to look into the issue and clarify it.

<p><b>Employers</b> (3 ♂, 0 ♀, 2 different Member States) EBU Mr Koning (NL) Mr Rusche (DE)</p> <p>ESO Mr Kester (NL)</p>	<p><b>Workers</b> (9 ♂, 3 ♀, 9 different Member States) ETF Mr Bramley (ETF) Ms Chaffart (ETF) Mr Havard (UK) Mr Lalak (CZ) Mr Karavatchev (BG) Mr Kraijenoord (NL) Mr Kerkhof (BE) Mr Kiepe (DE) Ms Latron (FR) Mr Jung(LU) Mr Grahl (SE) Ms Nikolova (BG)</p>
<p style="text-align: center;"><b>European Commission</b> Ms Ghislain Widera (DG EMPL) Ms Sophie Cabanis (DG MOVE) Mr Felix Rohn (DG EMPL) Mr Strohbach (DG EMPL)</p> <p style="text-align: center;"><b>Central Commission for the Navigation of the Rhine</b> Ms Moosbrugger Ms Braat</p>	