



**SECTORAL SOCIAL DIALOGUE
COMMITTEE
INLAND WATERWAY TRANSPORT**

**Minutes
Plenary meeting of 1 October 2018**

1. Adoption of the agenda

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

2. Adoption of the minutes of the last meeting (23 April 2018)

The draft minutes including the ETF and CCNR comments were approved.

3. Information by the Commission on:

a) Implementation process IWT Council Directive on Working Time

Social Partners (both sides of industry) met Mr Pokorny (head of unit “Working Conditions” of DG Employment) on 25 July 2018 in order to discuss the transposition of Directive 2014/112/EU. Social partners provided Mr Pokorny with details for a better understanding of the specific situation in the IWT sector. In addition, social partners raised their concerns in this respect. It cannot be accepted that some MS do not transpose the directive for geographical reasons, although the registered office or place of business of the company or employer is situated in these MS. Social partners underlined again their joint position that the seat of the employer (operator principle) should be used for determining the legislation (working time in this case) to be applied.

In addition the EC responded in writing on 30 July 2018 (ARES(2018)4236709 - 14/08/2018) to questions of the social partners. However, some questions have still not been answered. Social partners therefore agreed to draft a letter and request clarification.

b) State of Affairs Draft Directive on Professional Qualifications

According to Ms Rousseau the EC is currently preparing the implementation of the Directive (EU) 2017/2397 on the recognition of professional qualifications in inland navigation which was adopted on 12 December 2017. The implementing and delegating acts under this Directive have to be ready by

January 2020. Ms Rousseau pointed out that the standards defined by CESNI have been finalised and it is envisaged to adopt them during the CESNI meeting in Prague on 8 November 2018. With regard to the implementing act, the CESNI standards for modelling still remain to be defined.

Moreover, the work for setting up the database of professional qualifications in inland navigation is ongoing. An expert group has started to discuss the issues (on 21 September 2018).

Social partners raised several questions concerning the (federated) architecture of the database, the end users, comparable other databases, information concerning the (electronic) logbook and the service book, recording working time, transition period – coexistence of national/European system/s, cooperating with databases organised at national levels and the timeframe of the process. Ms Rousseau informed about the current state of play of the discussion with regard to the questions and social partners were invited to present proposals as to how to do better in setting up the database.

Mr Rusche highlighted that Switzerland is interested in taking part in the database as well.

c) Information on horizontal social developments

Ms Durst informed about two upcoming conferences.

One conference, which will take place in Brussels on 20 November 2019, focuses on automation in the field of transport and how this affects the labour force. The objective is to exchange views and to acquire knowledge. Commissioner Bulc will participate and more than half of the seats are reserved for representatives from both sides of industry.

The other conference (Brussels; 27 November 2018) is about women in transport and the celebration and follow-up of the EU platform for change (This platform was launched on 27 November 2017 and has focused on strengthening women's employment and equal opportunities for women and men in the transport sector.) Social partners of the sector were invited to participate in this conference.

d) Representativeness study

On 14 September 2018 representatives of the social partners of the IWT sector attended the Advisory Committee on Industrial Relations. In this meeting the final evaluation of the Inland Waterway Transport (IWT) sector was presented and discussed. The IWT representative study confirms that the social partner organisations ETF, EBU and ESO are representative.

As in the meeting social partners repeated their criticism that the presented data in the study were partly incorrect and outdated and thus a revision is needed.

e. Digital tools for IWT

Ms Rousseau informed that the open public questionnaire (in all EU official languages) which is mandatory for each open consultation is ready for publication. However, as the mandate of the current Commission comes to an

end and all policy initiatives are screened (if the initiative can still be started under the mandate of this Commission or not) a decision is expected soon. Nonetheless DG MOVE has already signed a contract with a consultant company.

In addition Ms Rousseau informed that on 20 September 2018 the NAIADES mid-term report and the report on digital inland navigation were published.

4. Update on the state of affairs of the TASCs project

The project runs well. A tool has finally been produced. However, some improvements of the tool are still required. Comments are expected to be made by the end of October 2018. The outcome (tool) of the project can be used as a base for the definition of future manning requirements in the IWT sector. The question as to how this will be carried out was discussed intensively by the SP.

5. Social Security in European Waterway- Social Partners to report on state of affairs of the working group & discussion on the proposals for future solution

Mr Kerkhofs informed about the social security working group meeting on 18 September 2018 in which experts from AQUAPOOL and the Landeskriminalamt (German enforcement authority) participated. He reminded social partners of Ms Tournaye's explanations with regard to the situation in the river cruise business. 3 points were mentioned:

- indirect employment contract through agencies
- head offices of companies moved on paper
- vessels registered somewhere else

which (can) lead to social abuse.

Ms Tournaye was asked in a working group meeting to elaborate on these issues in more detail. Social partners agreed that one single social security system should apply across Europe in order to reduce/avoid social abuse. As in the past social partners repeated the fact that in the IWT sector two different legal systems (Rhine system and the EU system) with regard to social security co-exist. However, social partners seek harmonisation of the two systems into one single European system. Therefore a clear definition of social dumping is needed.

6. Follow up of the implementation of the Joint declaration for eradication of violence against women and LGTBQI workers in the workplace

Ms Latron reminded social partners of the EU Platform for Change - Declaration on equal opportunities for women and men in the transport sector. All social partners (ETF already did) of the transport sector were invited to sign this declaration. However, so far the employers of the IWT sector have not signed the declaration. The representatives of EBU and ESO explained that they are not against the platform. Ms Beckschaefer pointed out that ESO however, covers SMEs (mainly family business) only. Mr Stommel underlined that EBU supports the idea of increasing the female employment rate in the sector and therefore the attractiveness of the sector, in particular the quality of VET has to be improved. However, it is difficult to attract young people for the IWT sector irrespective of the gender aspect. Ms Latron pointed out that in other modes of transport

progress has been made in this respect. The IWT sector should therefore not fall behind.

7. Feedback from the River Cruise Round Table Conference in Amsterdam - 20th September 2018 & discussion on future solutions

Mr Kerkhofs informed about the round table conference (including press conference) which focused on the sub-sector river cruise. The main places for river cruises are Amsterdam and Basel. The majority of the companies operating in this business do very well but there are some exceptions (e.g. working conditions) according to Mr Kerkhofs. In addition, AQUAPOL (the coordinator of the police service) pointed out that there is indication of infringements in this sub-sector but investigations are time and resource consuming. Therefore Mr Kerkhofs demanded that both sides of industry in the IWT sector should formulate a joint position in order to ensure proper conditions in the river cruise sub-sector too.

Mr Koning underlined that EBU is open to ensure fair competition. However, there is not sufficient evidence of abuse/unfair activities in the river cruise sub-sector. EBU is therefore not persuaded that there is a critical situation. Mr Koning suggested a mapping exercise in the river-cruise sub-sector. The social dumping working group is best placed to deal with it.

8. AOB

a. Agenda for the next meeting

The agenda will remain the same for the next SSDC meeting. The item automation/digitalisation will be added.

b. CESNI update on activities & state of play, work programme next period

Mr Rusche informed about the upcoming CESNI meeting in Prague on 8 November 2018 in which the standards (competence, medical fitness, practical examination, simulators) defined by CESNI should be adopted (Ms Rousseau mentioned it too). The CESNI standards for modelling still remain to be defined and given the good cooperation among the CESNI partners results are expected soon.

The new work programme (which is on the agenda of the Prague meeting for adoption too) covers the following topics: information technology, infrastructure (e.g. good navigation status), professional qualification (review of all recently adopted standards, future oriented skills), basic safety training, standardised phrases for operational and management levels, smart steaming, eco-efficient navigation, quality management, theoretical and practical examinations, simulator technique and manning requirements (results of the TASCs project will be taken into account).

c. CCNR update

Mr Rusche informed about the celebration of the 150 years anniversary of the Mannheim act which will be on 17 October 2018. 5 MS ministers (Rhine neighbouring states) and Commissioner Bulc are expected at this event. A declaration is envisaged to be issued.

In addition, he informed about the integration of the CESNI standards in the CCNR regulations and the ongoing work in the CCNR.

d. update on the posting of workers Directive

Mr Strohbach informed that the Directive (EU) 2018/957 was adopted on 28 June 2018 and was published in the Official Journal. The EC will now assist Member States in its transposition (deadline end of July 2020), through an expert group which will meet for the first time on 3 October 2018. Social partners will be involved/participate in the meetings of the group of experts.

e. meeting planning 2019

The SSDC meetings 2019 will be on 4 February, on 26 June and on 17 October.

Participants 1.10.2018

<p><u>7</u> Employers</p> <p><i>(6 ♂, 1 ♀, 3 different Member States)</i></p> <p>EBU</p> <p>Mr Koning (NL) vice-chair Mr Stommel (DE) Mr Fietze (DE) Mr Naaborgh (NL)</p> <p>ESO Ms Beckschäfer (DE) Mr van Lancker (BE) Mr Kester (NL)</p>	<p><u>9</u> Workers</p> <p><i>(6 ♂, 3 ♀, 6 different Member States)</i></p> <p>ETF</p> <p>Mr Kerkhof (BE) chair Ms Chaffart (BE) Mr Kerkhofs (BE) Mr Kiepe (DE) Mr Klein (NL) Ms Latron (FR) Ms Martin (BE) Mr Misic (HR) Mr Shchekotin (RU)</p>
<p>Central Commission for the Navigation of the Rhine (CCNR) Mr Rusche (DE)</p> <p>European Commission Ms Rousseau (DG MOVE) Ms Durst (DG MOVE) Mr Strohbach (DG EMPL)</p>	