



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment & Social Governance
Social dialogue

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
INLAND WATERWAY TRANSPORT**

Draft Minutes Plenary meeting of 17 October 2019

1. Adoption of the agenda

The meeting was chaired by Mr Kerkhof (ETF, BTB Belgium). The agenda was adopted without changes.

2. Adoption of the minutes of the last meeting (26 June 2019)

The minutes were approved.

3. Information by the Commission

Preparations for the new Commission are still ongoing. Various statements confirm that the new Commission intends to give credit to the social partners and plans to strengthen their role. Ms. von der Leyen has announced to propose early in her mandate an initiative on minimum wages and to launch an initiative for platform workers to improve the situation of workers in atypical employment relationships.

Concerning the transposition of Directive 2014/112/EU the Commission informed that it is currently assessing the conformity of the transposition measures communicated by the Member States. Social partners will contact the unit Working Conditions of DG EMPL at a later stage to seek more detailed information about the EC's assessment.

Mr van Lancker welcomed the initiatives from the Commission, stressing their relevance for the sector.

Ms Rousseau provided an update on the relevant initiatives of DG MOVE.

a. state of play regarding the preparation of the delegated and implementing acts required under Directive (EU) 2017/2397

- The delegated act to incorporate the “Prague” standards was adopted on 2 August in all EU languages. It is still under scrutiny of the Council that is exercising its right of objection following a request for prolongation of two additional months i.e. until 2 December. It is expected that the delegated act is published in the OJ in all EU languages at the end of the year/beginning of 2020.
- The delegated act for the database referred to under Article 25(2) of the Directive has also made progress. Following the Commission inter-service consultation, the revised draft of

the delegated act has been put online for 4 weeks for public feedback. The Commission will then launch the procedure for adoption, which should be finalised by the end of the year.

- Concerning the implementing act to incorporate the CESNI models of certificates of qualifications, service record book (SRB) and logbook (LBK), the Commission is looking forward that CESNI has adopted the standard on 15 October, so that the comitology procedure can be launched, with the challenging target to adopt still the act within the next three months.

b. EU initiative on digital tools

- DG MOVE informed the participants that the draft final report has been submitted and is currently processed by the Commission services. Preliminary outcome will be discussed with the Commission expert group on social issues in inland navigation.

ETF explained that the ongoing discussions were too much linked to existing technological possibilities, not fit to incorporate more extensive functionalities and options that will only become available in 2030 or 2035, once the platform will be operational. The pros and cons of different digital functionalities should be explored as wide as possible. The discussion should not concentrate only on the desired functionalities but discuss all possible options and at the appropriate moment in time decide which of these functionalities should be switched on or off. There is an urgent need for data, readable at all times in order to fully integrate IWT into the overall supply chain. This provides the best possible opportunity to strengthen the role of this sustainable transport mode in the supply chain. Ms. Chaffart called on the social partners not to miss this window of opportunity.

c. Fitness check on IWT market legislation

- DG MOVE informed the members of the group about the launch of the new initiative. The scope is seven pieces of EU level transport legislation and two pieces of social legislation: the derogation agreement on the basis of Article 16(1) of Regulation 883/2004 and the Posting of Workers Directives. The roadmap was published at the end of summer on the website “Have a say”. A study in support of the evaluation will be carried out by an external consultant in 2020 with proper stakeholders’ consultation. Naiades Commission expert group will be closely informed about the process as well as the Commission expert group on social issues.
- It was assured that the terms of reference for this study foresee the involvement of legal experts. Social partners stressed the need for appropriate delays to react to consultations and indicated that the survey which took place in summer 2019 was – because of holidays – very difficult for social partners to respond to.

d. Horizontal social issues in transport

- A Conference took place on 26 September to prepare the launch of a network of “Transport diversity ambassadors”. Formal signing-up will be opened once the guidance document is ready (end of 2019, early 2020).
- DG MOVE is about to launch three studies, which will cover all modes of transport, including the inland navigation sector. The outcome will be available end of 2020-beginning of 2021.
 1. The “Study on the social dimension of the transition to automation and digitalisation” will look at the policy options to accompany the transition. It will include a gender dimension.
 2. The “Study on good staff scheduling and rostering practices in transport” will look at practical ways to improve work-life balance, to render the sector more attractive.

3. The “Study on educational toolkits for fighting gender stereotypes, based on the example of the transport sector” will develop two toolkits (one for primary school children and one for secondary school pupils) to help teachers organise discussions in class to address gender stereotypes from an early age. The toolkit for secondary pupils will also include information about transport jobs and the key competences required for these occupations and the training path to follow.
- Regarding digitalisation and automation in particular, DG MOVE organised a dedicated session on 'Managing the transition towards digitalisation and automation – social aspects' at the Digital Transport Days in Helsinki (7-9 October 2019, see: <https://www.digitaltransport.eu/2019/pages/sessions-description#social-aspects>). The main conclusion was that for managing the transition towards digitalisation and automation in transport, learning from each other’s good practices and dialogue are key.

4. Update on the follow-up to the TASCs project

Ms Chaffart informed that the report has been translated into several languages and is available online as well as in printed versions (for copies ETF can be contacted).

She recalled that the project was composed of two pillars: a workload assessment and the development of a digital crewing tool. ETF has developed a draft joint social partners’ declaration on a possible future manning regulating. The main aim of this declaration being to identify and mandate CESNI to elaborate the elements needed in order to achieve a comprehensive and flexible manning regulation. However, a ratification of this declaration was considered unrealistic at the moment.

Ms Chaffart stressed that a digital crewing tool could bring major advantages in terms of more flexible crewing. The precise technical parameters for the crewing requirements are still to be negotiated. She considered a compromise on these parameters realistic, if the employers would be prepared to agree upfront on a real-time digital controlling capacity for such manning rules. She stressed that such working time registration would be in line with a ruling of the Court of Justice, urging the employers to show flexibility on their side.

Ms Beckschäfer agreed to the good cooperation in the TASCs project and saw both sides not so far apart. She also agreed to the need for controls, showed interest to closer look at the ruling of the Court of Justice and agreed to enter into discussions on substance and try to negotiate a compromise.

On behalf of the workers, Mr Klein stressed that the difference, even so it seemed small, was fundamental.

Mr. van Lancker (ESO) suggested to get back to the objectives of the TASCs project. He recalled the need for more flexible rules while admitting the importance of rules and their enforcement. He also indicated the possibility to test new solutions and argued that progress on the two topics would need to be done in a coordinated way.

Ms Beckschäfer saw the main problem in the automatic recording and that real-time recording could create problems and even conflicts with the working time directive. Beyond that she agreed that digital systems as such are well possible and to not having new manning rules without agreement on a tool to monitor and register working time digitally.

Members referred to other modes of transport and some companies, where real-time working time recording is successfully implemented, suggesting that it might be possible to get some inspiration from these solutions.

Social partners mutually confirmed that the agreement achieved in 2016 was still valid.

Ms Chaffart recalled that in the negotiations on the working time directive the union side has made concessions to the employers under the promise to obtain working time monitoring. So far this promise has not been delivered. Therefore she requested to obtain more assurance in the ongoing negotiations.

She informed about ETF annual seminar, planned for end-October, which was dedicated exclusively to the TASCs follow-up and to which CESNI and the Dutch government were invited to present their positions. The seminar will allow ETF to further refine its position.

Social partners agreed to set-up a small working group to take the topic further. The working group was supposed to meet as soon as possible, preferably still in 2019.

5. Adoption of the SSDC Work programme for 2020-2021

A first draft work programme for 2020-2021 was presented by ETF and Social Partners had an initial discussion on the content.

Mr Fietze said that the first draft was discussed internally by EBU/ESO and a new textual proposal was introduced. ETF considered the new proposal as narrowing down the scope of the future work in an inappropriate way.

It was agreed to mention the fitness check in the work programme.

Social Partners had a brief discussion and could not agree on a final wording. They will continue the discussion and come with a final draft by the next SSDC meeting envisaging formal adoption at the January 2020 SSDC meeting.

6. Social Security Coordination in European Waterways – Social Partners to report on state of affairs & future joint approach

Mr J. Naaborgh expressed his appreciation for the huge amount of the work that had been done. He admitted that not being a member of the Working Group, he had difficulties to understand the final common conclusions and asked for a final result which was easier to understand. Ms Chaffart joined Mr Naaborgh in his appreciation and the request to improve readability. She encouraged further comments on the document.

Ms Blom stated that the intention is clear: the need for one regulation that applies to all crewmembers, all workers in the sector. Normally you work where you live, but this is not the case with IWT, where there is a transnational character. The workers, employers and workplaces are mobile and operate cross borders. Therefore there is a need to establish clear rules in order to eliminate gaps in social security coverage and avoid exploitation. Once Social Partners agree on the fundamental principles, Member States should apply them. So a European safety net is needed – Social Partners must include CASS in this discussion and for this Ms Blom offered to make a first draft by the next SSDC meeting.

Mr Van Lancker agreed because at the moment two distinct systems apply in European IWT (Rhine exemption art 16 regulation & non Rhine 883/2004 regulation). This situation creates various interpretations in the Member States leading to contradictory conclusions.

7. River Cruise sector in Europe – discussion on joint approach

Ms Chaffart gave a brief overview of the state of play. After the ETF-Round Table on 20th September 2018 in Amsterdam a lot of press attention was given to the social dumping practices in the River Cruise sector. The event had a real impact on the sector.

IG River Cruise published shortly after a position paper on the situation in the Western European sector. A number of important Swiss based companies refused to resume their collective bargaining negotiations with the Swiss ETF-affiliate Nautilus International, stating that an EU-wide collective agreement was needed and thus sought negotiations with ETF. ETF, however, clarified that it will respect the subsidiarity principle and communicated this to all parties concerned.

Discussions between ETF and IG River Cruise have been ongoing for many years, leading to various documents, without so far leading to anything like an agreement.

On 14th June 2019 a meeting took place between ETF, Aquapol and IG River Cruise in Basel, where the industry signalled willingness to come to a negotiated agreement. On 25th July 2019 a joint declaration has been signed by EBU – IG River Cruise – ETF with a solid commitment to reach a full agreement by September 2020.

On 2nd October a meeting took place in Basel where River Advice presented their (state-of – the-art) working time registration system (Radiant Fleet). On 7 November 2019 a first negotiation meeting took place. The plan is to develop a) minimum standards with which the employers should comply and b) a quality labelling scheme, which will allow enterprises to communicate their compliance with the standards.

Ms. Chaffart promised to keep the social partners updated on further developments.

In the discussion it was confirmed that in a couple of cases cruise companies and their managers are faced with juridical procedures but also with pressure from communes. This increases the pressure to improve the situation.

8. Automation in European IWT – discussion on joint approach

ETF has launched a project to establish tools and best practices on how to guide the automation process within the various transport sectors. ETF invited the social partners to start negotiations on an EU framework agreement on how to accompany the introduction process of automation. Based on a collective agreement signed in the Port of Antwerp on 30th August 2018 on the introduction of new technologies – a first draft has been prepared by ETF that could be a basis for discussions.

Ms Chaffart had presented the draft agreement and asked for comments of the employers.

Ms Blom mentioned that there is legislation on this topic in the Netherlands.

Mr Van Lancker was not convinced of the idea. He however, agreed that a number of pilot projects are being deployed at the moment, but that none of the initiators are part of the social

partner organisations. Most of these pilots do not produce added value to the discussion as they are only possible on isolated waterways. They would not be feasible on waterways with mixed navigation in terms of safety. Furthermore, there are big differences between the approaches in the various Member States. In Belgium discussions are taking place on supervision through remote control, whereas in the Netherlands there is a clear view on always having someone on board as final back up. Another big issue is the “insurance” side – who will be held liable in case of an accident?

ETF did not fully agree with this as some of the pilot projects are being funded with EU money, and trade unions at national/local level were not involved at all when these organisations applied for funding. ETF argued that social partners must define joint positions and address the issue of EU funding. Once a vessel is sailing autonomous/automated, it will have an impact on employment and thus the workers must be involved in the process prior to implementation. Best would be from the very planning stage onwards. The Dutch magazine Schuttevaer even mentions the installation of a “black box” cfr aviation sector.

Mr Klein underlined that regardless of what is stated publicly, automation moves forward at a fast pace. In the Netherlands demonstrations have taken place whereby freight vessels sailed autonomous for big stretches. Mr Naaborgh explained the need to distinguish between automated and autonomous shipping, with different consequences for the crewing. Suggesting that it was relevant to look into the different topics in detail.

Chair concluded that it is in the interest of all members of the committee to join forces on the topic of automation and to ensure social partners are involved in the discussion. The discussion will continue at the next SSDC meeting. ETF will send the draft agreement text to the employers.

9. Information

Ms Braat provided a brief overview of the state of play of CESNI & CCNR activities.

10. AOB

Social partners agreed to discuss the same topics at the next meeting and not to add further points.

The SSDC meetings 2020 are planned for 15 January, 11 May and 26 October.

Participants 17.10.2019

<p><u>7</u> Employers</p> <p><i>(3 ♂, 2 ♀, 3 different Member States)</i></p> <p>EBU</p> <p>Ms Blom (NL) Mr Fietze (DE) Mr Naaborgh (NL)</p>	<p><u>9</u> Workers</p> <p><i>(7 ♂, 2 ♀, 6 different Member States)</i></p> <p>ETF</p> <p>Mr Kerkhof (BE) chair Ms Braat (Ms Chaffart (EU - ETF)</p>
--	---

<p>ESO Ms Beckschäfer (DE) Mr van Lancker (BE)</p>	<p>Mr Chagas (Oficiaismar, PT) Mr Karavatchev (EU – ITF) Mr Kiepe (DE) Mr Klein (NL) Mr Mišić (HR) Ms Savova (BG) Mr Shchekotin (RU)</p>
<p style="text-align: center;">Central Commission for the Navigation of the Rhine (CCNR) Ms Braat (FR)</p> <p style="text-align: center;">European Commission Ms Rousseau (DG MOVE) Ms Caspar (DG EMPL)</p>	