

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT

4 MARCH 2016

DRAFT MINUTES

Chair: Mr Tomas Abrahamsson

1. APPROVAL OF THE DRAFT AGENDA

At the request of the ETF, three items were added to the agenda, namely: the decision by the Supreme Court of Spain in the Prestige case; the improvement of the environmental performance of shipping and the Zika virus disease.

The SSDC approved the draft agenda for the SSDC meeting of 4.3.2016 as amended.

2. APPROVAL OF THE MINUTES OF THE SSDC MEETING OF 27.11.2015

The SSDC approved the draft summary record of the SSDC meeting of 27.11.2015.

3. MATTERS ARISING

a. Negotiation of a social partners' agreement on recent ILO MLC amendments – State of play of the negotiations

ETF indicated that the social partners had already held one meeting in a small delegation format and developed a draft agreement. ETF, supported by ECSA, said that they would have welcomed a meeting on 11 March to conclude the matter, at technical level.

DG EMPL congratulated the social partners for their joint result but also made it clear that the Commission was not in a position to comment on their text at such an early stage.

ECSA added that the agreement was indeed quickly reached.

ETF and ECSA then confirmed that they hoped to sign their agreement in November 2016.

It was then decided to postpone the meeting planned for 11 March and to find a suitable date sometime in April or May (possibly 24 May 2016).

b. EU funded project on EU funding programmes for maritime apprenticeships and training and health and safety – State of play

ETF indicated that the project kick-off meeting would need to take place quickly (early April) and a final decision should be made on the composition of the project steering group (3 to 4 members from each side plus Secretariats). The social partners indicated that they would very soon choose the consultants with whom they would undertake the project financed by DG EMPL.

c. Schengen Visa Code – latest developments : where does the legislative procedure stand and how the seafarers' issue is dealt with

ETF recalled that the legislative process might probably have been disturbed by the debates on terrorism and on migrants. For the social partners, the main concern was the Council's position. ECSA added that on this important issue there was a clear need to liaise and remain in contact with DG HOME.

ECSA indicated that it stood ready to promote a common line with ETF to support this process.

DG EMPL, speaking on behalf of DG HOME, raised a few elements in relation to the Schengen Visa Code, namely that, under the envisaged timetable, the Council, under NL Presidency, would aim to adopt a general approach by June 2016. Meanwhile, the European Parliament's LIBE Committee would vote on the Commission's text on 16-17 March and in plenary in April.

Trilogues between the institutions should then start under the following (Slovak) Presidency.

Content wise the end result was difficult to predict. It was probable that it would be different from the Commission's original proposal.

On this last point, ECSA in particular asked how different from the Commission's original proposal the final text could be.

DG EMPL indicated that this was not possible to predict at this stage. But once the vote in the LIBE Committee in the European Parliament had taken place it would be possible to have an indication of the position. Negotiations were unlikely to start until the 2nd part of 2016.

Finally, ETF and ECSA agreed to check whether their joint proposals for amendments regarding seafarers' facilitation of transit at Schengen border points would make their way through the legislative process.

d. Fair transport Campaign

For the ETF the European Citizens' Initiative (ECI) on Fair Transport should be seen in the context where the EU project had lost its focus on generating jobs and better working and living conditions. Hence the need to address the situation by means of a campaign aimed at ending unacceptable business practices, which resulted in social and wage dumping practices. The campaign called for fair competition in the different transport modes and for guaranteeing equal treatment of workers. It aimed to promote a positive Europe with a prosperity agenda. ETF reiterated its invitation to ECSA to engage in this campaign that would enhance the protection of European maritime skills.

ECSA wondered what ETF would do in the event that the threshold of 1 million signatures were not reached, also bearing in mind that signatures have to come from several Member states.

ETF replied that it would stick to its agenda, regardless of the European Citizens Initiative (ECI) and pursue the objectives of the Fair Transport campaign. It nevertheless remained confident that it would reach the required thresholds.

ECSA recalled that it had participated in the ETF's launch of this ECI but was not keen, especially at this stage, to put its name on it. ECSA regretted that the ETF initiative had not been launched through the European Social Dialogue, also given the fact that ETF and ECSA had an effective Social Dialogue.

e. Representativeness study

The Social Partners were advised that Eurofound was in the last phase of the drafting of the final report assessing the representativeness of both the Social Partners and their respective membership.

A few criticisms were raised regarding the implementation of the report since in some countries the national correspondents had not always been too professional and had not contacted the appropriate persons.

DG EMPL indicated that the study had confirmed that ECSA and ETF were the main actors of the maritime sector and that the timing of this conclusion was favorable, bearing in mind the current negotiation of the Social Partners' Agreement on the ILO's amendments of the MLC.

ETF and ECSA welcomed the fact that, according to the overview study, the representativeness of both the ETF and ECSA was recognized as being undisputed.

4. REPORT ITEMS

a. Mid-term maritime strategy review/2017 Shipping package – state of play

DG MOVE (D.1) informed the Committee on the five focus areas of the Implementation Report (Staff Working Document) prepared, whilst clarifying that any possible new initiatives on maritime transport should not be considered as a package. The Commission had indeed made progress in the policy assessment and the identification of areas where further work was needed. The five areas that had been identified were: (1) maritime safety and security; (2) digitalisation and more efficient waterborne transport; (3) environmental performance, sustainability and decarbonisation; (4) competitiveness-related issues; and (5) maritime skills: raising the profile of seafarers and the maritime professions.

It was stated that the Implementation Report would be made public and shared with EP and Council, together with the results of the Public Consultation, in April, when the Inter-Service Consultation would be completed. ECSA invited ETF to be involved in the preparations for the next European Shipping Week scheduled to take place in 2017. They both expressed hope that 2017 would still be planned as the "Maritime Year".

ETF insisted that the review should go far beyond the issues that were identified in the ETF-ECSA submission to the consultation, and recommended addressing, amongst others, the following questions: harmonization of fiscal regime, review of the maritime State Aid Guidelines, promoting Short Sea Shipping as a way to enhance European maritime skills, making Europe independent in the provision of maritime transport services and the need for improved data and statistics on

maritime transport and seafarers to better inform policy decisions. ETF also recalled the recommendations of the Task Force on Maritime Employment and Competitiveness and asked to be informed about the Commission's follow-up to these recommendations.

The social partners committed to follow up on their joint contribution and push their own agenda vis-à-vis the Commission. In this regard, it was agreed to discuss at Secretariats' level the issues to be addressed in priority and arrange for a high-level follow-up meeting between the social partners' representatives and DG MOVE.

b. Migrants at sea

The Chair pointed out that the migrant crisis should also be considered in the context of the ongoing legislative work aimed at amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (EMSA) in order to reinforce the protection of Europe's external borders, including European cooperation on coastguard function (cooperation between the relevant EU agencies, including Frontex).

ETF reminded the committee that this topic was a real issue but not only to this sector. It recalled the recent own initiative report of the European Parliament on this topic as well as the road map on Schengen which the Commission adopted just today (4 March 2016).

ETF also pointed out the work taking place at IMO on the issue of the migrants at sea and made references to the role of drones in checking the migrants' flows.

ECSA recalled the guidelines that the social partners of the maritime transport adopted last year on this issue. It welcomed the positive effects of the FRONTEX's policy and actions since June 2015: migration was still taking place but professionalism had improved and this was an example in which Europe proved that it was efficient.

ETF wondered what more the social partners could do, bearing in mind that it identified pressure on boats and on airports and that it welcomed the safety risks identified by the European Parliament's document.

ETF and ECSA stressed on the need to monitor the situation to make sure the pressure on merchant shipping was not disproportionate and that EU Member States shoulder their responsibilities through the deployment of the necessary means and rescue operations to be primarily carried out by the competent authorities.

ETF and ECSA agreed to continue to monitor developments and consider developing a mutually agreed position as appropriate.

c. Piracy

In the context of this standing item, ECSA welcomed the extension of the request of the UN to NATO to support international efforts to combat piracy. This decision would enable NATO to play a bigger role in the Mediterranean Sea.

ETF added that it was indeed important to keep the pressure on the political bodies at European and national levels to maximize the chance of eradicating the phenomenon.

d. Exclusions of seafarers

ECSA and ETF highlighted the importance of drawing the attention of their respective affiliates to the need for an accurate implementation and enforcement of the Directive 2015/1794 at national level. ECSA indicated that at this stage it did not yet have concrete elements to report.

ETF added that it remained very careful on the issue of the implementation of the indicated Directive in the different Member states.

e. Administrative burdens for seafarers – The Digital Transport Logistics' Forum.

George Kirmizidis (DG MOVE - D.2), on behalf of DG MOVE (D.1), informed the Committee that since the last meeting of the Sectoral Social Dialogue Committee for maritime transport, a second plenary meeting of the Digital Transport and Logistics Forum had taken place on 29 October 2015. During this meeting, it had been agreed to launch two subgroups in the DTLF:

1. A subgroup addressing the definition and the acceptance of electronic transport documents. This subgroup looks into: 1) how to increase recognition of electronic transport documents by EU MS authorities; 2) whether similarities between the transport documents used in the various transport modes could be exploited with a view to advance towards "multimodal transport documents"; 3) whether other types of documents used for freight transport (e.g. on vehicles) could also be digitalised.

2. A subgroup addressing the optimisation of cargo flows along transport corridors. This subgroup looks into the opportunities that could be offered by better interlinking existing IT systems along TEN-T corridors. This subgroup selected the Scandinavian-Mediterranean TEN-T corridor as the basis for work. Members of the subgroup are currently identifying possible business cases where enhanced exchange of information along the supply chain and across modes could support optimisation of cargo flows and development of new services.

The question of administrative burden for workers in the transport sector is particularly central to the work of the first subgroup. Further digitalising and harmonising documents used for transporting goods is expected to contribute to a decrease of administrative burden for workers.

The subgroups will present their progress on these questions during the next plenary meeting of the DTLF, on 16 March.

With respect to the administrative burdens for seafarers, ETF expressed frustration with the slow pace of the progress on this issue. ETF and ECSA shared the same opinion on this matter and suggested setting up a dedicated task force to move this issue forward.

As for the ETF, the Report on International EU Shipping should focus on making things easier for the EU sector instead of the non-EU flagged vessels with the aim

of creating a competitive advantage for European registries. ECSA suggested aiming at achieving a single EU-Window instead of national single window.

5. AOB

Zika virus

ETF and ECSA agreed to explore the possibility of adopting a common statement on the Zika virus. As such, the virus, which erupted in 1947 in Uganda, appears to rarely be fatal and is mostly temporary.

A common statement from ETF and ECSA would demonstrate their concern on the matter.

The Prestige case

ETF and ECSA expressed their dismay at a recent decision taken by the Spanish Supreme Court in the "Prestige" case, which overturned the decision taken by a lower Court and deemed Captain Mangouras' guilty of various offences.

ETF referred to the importance of promoting the Guidelines on fair treatment of seafarers in the event of a maritime accident guidelines jointly developed by the IMO and the ILO on 2006 and making them mandatory at EU level.

ETF suggested working on a renewed statement of the social partners on this issue, ECSA agreed.

The environmental performance of shipping

ETF and ECSA exchanged on the crucial topic on improving the environmental performance of shipping.

In this initial discussion, the work carried out within the ESSF was recalled, in particular the way the existing instruments were implemented: EU Directive 2000/59/EC (port reception facilities for ship-generated waste and cargo residue); Regulation (EU) 2015/757 (MRV Regulation: Monitoring, Reporting and Verification of carbon dioxide emissions from maritime transport), Directive 2012/33 (new Sulphur limits of marine fuels).

ETF called for increasing cooperation with ECSA to discuss how to improve the environmental credentials of shipping. ETF insisted on the need to proactively turn the challenges that come with making shipping greener into an opportunity as this will contribute to:

- Reduce the impact on the environment and the human health;
- Boost Short Sea Shipping (SSS) and Motorways of the Sea (MoS) with shipping as the greenest modes of transport;
- Consolidate the EU shipping competitive advantage: Europe has the patents and the technical 'know how' for greener ships, cleaner and more efficient engines (need to shift from HFO towards LNG, scrubbers, etc.);
- The industry may wish to ask for public financial support in that regard;
- Create opportunities for upskilling our seafarers and make them more competitive.

ETF and ECSA stressed on the need to make the discussion more concrete and agreed to include this item at the agenda of their next meeting. The Secretariats were invited to set up informal exchange of views to discuss ongoing ECSA campaign on CO2 emissions, prior to the next meeting.

ECSA, while recalling that it had already invested a lot in this matter and had a positive approach on it, concurred on the need to explore together what can be done. In that sense, the two secretariats will meet in order to come up with proposals.

At the end of the meeting both social partners congratulated Mr Christophe Tytgat from the ECSA's Secretariat for his efforts to drive forward the SSDC. Mr Tytgat had co-operated very well with ETF and – as pointed out by ETF – has been a tenacious but fair counterpart.

Mr Tytgat will be the new Secretary-General of Sea-Europe.

The SSDC paid also tribute to the hard work of Mr Hans- Dieter Grahl for all his efforts in the Committee. Mr Grahl represented the Swedish Maritime Officers' union and would retire before the next meeting.

4. DATE AND PLACE OF THE NEXT SSDC MEETING

Next meetings will take place on Wednesday 25 May 2016 and on Thursday 27 October 2016 (plenary meeting)

Attendance List

ETF

- Castaño Fernandez Jose Cristian
- Chateil Jean-Philippe
- Dickinson Mark
- Alfonso Philippe
- Grahl Hans-Dieter
- Kalnius Remigijus
- Le Guevel Thierry
- Meyer Mette Mille Bondo
- Mihalcioiu Adrian
- PetrovPetar
- Piatkowski Henryk
- Schroeter Klaus
- Vask Kaia
- Mark Carden
- Francesca Baiocchi
- Mats Jäderland
- Sascha Meijer
- Joris Kerkhofs
- Jacques Kerkhof
- Tomas Abrahamsson
- Jose Manuel Blanco Lojo

ECSA

- Tim Springett
- Armando Boccardo
- Hege Ajer Petterson
- Tjitso Westra
- Willem Waanders
- Stewart Inglis
- Gintautas Kutka
- Hilde Peeters
- Christophe Tytgat
- Runa Jörgens
- Virginie Costel
- Christian Roos
- Eirini Tsakona
- Patrick Verhoeven
- Max Johns
- Tina Juul Vestergaard