



**Minutes
Working Group Meeting of 15 January 2020**

The meeting was chaired by Mr Kerkhof (ETF, BTB Belgium).

1. Adoption of the agenda

The election of a new president and chair of the Committee was added to the agenda before adopting it.

2. Adoption of the minutes of the last meeting (17 October 2019)

The minutes were approved with a small change requested by EBU.

1. Information by the Commission on:

a. Implementation of the working time directive

DG EMPL presented briefly the state of play on the implementation of the Directive 2014/112/EU - Agreement on working time in inland waterway transport. All MS have declared transposition complete. The Commission is currently assessing the conformity of the transposition measures. The results could be discussed at the next meeting.

b. Directive professional qualifications – update

DG MOVE provided information on the state of play regarding the preparation of the delegated and implementing acts required under Directive (EU) 2017/2397.

The delegated act to incorporating ESQIN standards adopted on 2 August was published in the Official Journal on 10 January. The delegated act for the database referred to under Article 25(2) of the Directive should be adopted in the coming days. It has to be adopted at the same time as a delegated act on the Hull database as there are cross references.

The implementing act incorporating the CESNI models of certificates of qualifications, service record book and logbook was adopted on 14 January 2020.

c. Information on horizontal developments

The Commission (DG MOVE and DG EMPL) informed the participants with regard to several horizontal developments relevant to the field:

- the study on the social dimension of the transition to automation and digitalisation in transport, focusing on the labour force,
- the educational toolkits for fighting stereotypes, based on the example of the transport sector,
- the study on good staff scheduling and rostering practices in transport and the European Network of Ambassadors for Diversity in Transport that should be operational in February (with a future dedicated webpage on the Europa website),
- The Green deal and the Communication on Social Europe for Just transitions,
- Launching the first stage consultation of social partners on the minimum wages initiative,
- Update of the skills agenda - new consultation about to be launched, followed by adoption of the new skills agenda in March 2020.
- Postponing the Pay transparency initiative to the fourth quarter of 2020.
- The need to consult social partners on the Roadmap and action plan to implement the European Pillar of Social Rights.

d. EU initiative on digital tools

DG MOVE informed the participants that the revised version of the final report has been submitted by the consultants and is currently processed by the Commission services. Next step is to draft the Commission Staff Working document for the Impact Assessment together with the proposal for a legislative act.

2. Work Programme SSDC 2020-2021 – Final discussion & adoption

The draft work programme for 2020-2021 was adopted following a brief discussion among the social partners. The final text would be sent to the Commission as soon as possible.

3. Update on the follow up of the TASCs Project:

Social partners continue to work on the follow-up of the project. There are two essential aspects on which actions need to be taken: manning and time registration. The most recent meeting looked at current rules from the Rhine crew regulation and a document summarising the discussion would be made available as soon as possible, before the CESNI Crew Working Party.

During the previous SSDC meeting it had been decided to set-up a small working group to take the topic further. So far the working group did not start working, awaiting decisions of social partners on their respective positions. Despite different opinions, the social partners were open to continuing discussions on the topic.

ETF stated that the new rules and digital platforms would be discussed and implemented at the same moment in time. Full digitalisation could only be envisaged in 2030-2035. It was reminded that based on the recent ECJ ruling, in case C-55/18, Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SA, employers will have to install systems to register the individual workers' working & resting times.

CESNI is working on a roadmap for future steps on the development of manning requirements that should be finalised by June 2020. A concrete report on manning (state of play) is expected by 2023.

ESO mentioned that there is no plan of putting forward new rules in detail, but about looking at what we want to keep and what is important to address.

EBU announced the start of an investigation on incidents and the human factor. The aim is to find ways to prevent accidents by ensuring a good knowledge and analysis of the actual causes of an incident. The current approach, based on regulation, is seen as too limited. The first step has been taken: a number of major parties involved within the European Inland Navigation sector, the joint inland shipping entrepreneurs, organized in the IWT (Inland Water Transport platform), together with the Dutch Ministry of Infrastructure and Water Managements and IVR, are funding together a research project carried out by Intergo (International Center for Safety, Ergonomics and Human Factors).

4. IWT Legislative fitness check – Social Partners to discuss how to jointly organise the follow up (doc Roadmap Fitness Check) – DG MOVE

DG MOVE recalled that the general objective of the fitness check initiative is to examine whether nine different pieces of legislation related to the opening and functioning of the internal market in the inland navigation sector have achieved their objectives and are still fit for purpose.

The current stage is that of drafting the terms of reference for an external study. The study is expected to take 14 months and will be followed by an evaluation report of the Commission, the latter expected around mid-2021. For this purpose, two separate studies are considered: one on the core internal market legislation and another one concerning the application of the posting of workers and social security rules in the IWT sector.

DG MOVE mentioned that the stakeholders and the public would be consulted through targeted surveys and interviews, meetings of IWT experts groups as well as an open public consultation. DG MOVE will keep the social dialogue committee informed.

5. Social Security in European Waterways

a. Social Partners to report on state of affairs

On 19 June 2019 the Social Partners' Working Group "Coordination of Social Security in Inland Water Transport" adopted Common conclusions on social security (doc Process description "coordination of social security in IWT" – 06.12.19). The document was followed by a process description document (doc final clean common conclusions of social partners on social security – 19.06.19) including requested actions or decisions for each of the conclusions of the WG.

EBU expressed the need to further the discussions on how to proceed in order to reach the goal of having one single rule applicable with regard to social security in IWT as well as to cover River Cruise specifics too. ETF underlined that the goal of any further discussions should not be to reopen the debate on the conclusions of the working group. No concrete decision was taken.

b. Preparation of joint social partners position towards CASS

The social partners discussed on a possible request to the CASS with regard to the applicable definitions. ETF considered that there was a need to clarify the definitions as a result of previous discussions on this topic, while ESO and EBU were of the opinion that it should first be discussed and considered how to provide social security to the personnel onboard, and whether it should cover the entire personnel or not. No agreement was reached.

DG EMPL mentioned that at present there is only one social security system in force, based on Regulation 883/2004. There is a derogatory agreement applicable to six Member States however the specific terminology was not translated into English. The Commission is closely monitoring implementation. The revision of the Regulation is pending between the European Parliament and the Council of the EU.

The Social Partners expressed concerns on how the social security rules apply to inland waterways transport, following the entry into force of Regulation 883/2004. They explained that there are gaps in coverage of workers with social protection that are not addressed by the current rules. They also expressed interest in the current discussions on the revision of the Regulation and the wish that the challenges linked to the specificities of IWT would be addressed in the revision.

c. Next meeting of ETF, EBU and the River Cruise sector in Europe planned on 22nd January 2020 (including a report on the first negotiations meeting of 22th November 2019 in Basel)

Social security issues would be discussed during the meeting of ETF, EBU and the River Cruise sector on 22 January 2020.

6. Automation in European IWT – discussion on joint approach

Social Partners are discussing on a joint approach to automation. ETF pleaded for planning and preparing the transition to automation together in order to ensure a smooth and fair transition. ESO considered that national organisations should be equally involved. There are trials on going in the Netherlands however, any deviation from crew rules requires a license.

It was agreed that ETF would propose a brief text and discussions will proceed on that basis. Ms Chaffart and Ms Blom will be in charge of organizing the discussions.

CCNR established a list of ongoing projects in the field.

7. Information from CESNI and CCNR

A brief overview of the state of play of CESNI and CCNR activities was presented, such as: CESNI's work concerning the implementation of EU legislation, basic safety training for newcomer staff and a work plan on reduction of emissions and noise, and CCNR's work on the implementation of directives and changes with regard to the Staff regulation for the Rhine (related to staff certificates).

8. AOB

Agenda next SSDC IWT meeting

Social partners agreed to discuss working time registration and continue discussions on the follow up of the TASCs project, on EU legislation in the field, on the follow-up of the CESNI discussion on the emission and noise standards and possibly add gender and pay transparency issues.

New chair

The committee elected Mr Gerard Kester, proposed by the employers (ESO), as its president and chairperson.

Members of the committee and the Commission thanked Mr Kerkhof for his dedication and work during the past two years in which he chaired the committee and expressed encouragement and best wishes to the Mr Kester.

-

Note: Following the onset of the Covid-19 pandemic, the 11 May 2020 meeting could no longer be held. On the same day, the Inland Waterways Transport Social Dialogue Committee met informally, in virtual form, to exchange views concerning the impact of the Covid-19 pandemic.

Participants 15.01.2020

Employers <i>(3 different Member States)</i> EBU Mr NAABORGH Jacques (NL) Mr FIETZE Gerit (DE) Ms Blom (NL) ESO Ms BECKSCHÄFER Andrea (DE) Mr KESTER Gerard (NL) Mr VAN LANCKER Christiaan (BE)	Workers <i>(4 different Member States)</i> ETF Mr KERKHOF Joris (BE) Mr KERKHOF Jacques (BE) Ms CHAFFART Myriam (EU - ETF) Mr KARAVATCHEV Rossen (EU – ITF) Mr KLEIN Bert (NL) Mr JERABEK Milan (CZ) Mr MIŠIĆ Luka (HR) Mr SHCHEKOTIN Igor (RU)
Central Commission for the Navigation of the Rhine (CCNR) Mr RUSCHE Joerg European Commission Ms Rousseau, Ms Durst, Mr Bergot (DG MOVE) Ms Caspar, Ms Crumpana, Ms Owsiany-Hornung, Mr Scicluna, Ms Perez-Alvarez (DG EMPL)	