



## EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change  
**Social Dialogue, Industrial Relations**

### SECTORAL DIALOGUE COMMITTEE RAILWAYS

## Committee meeting

19 May 2006

### Minutes (adopted on 17 April 2007)

#### (1) Adoption of the agenda

The meeting was chaired by Mr LE RESTE (workers). The agenda was adopted.

#### (2) Adoption of the minutes of the previous plenary meeting (19 May 2005)

The minutes were adopted with one change concerning comments made by Mr LE RESTE on public financing and the success of the TGV.

#### (3) Information from DG TREN

Mr GRILLO PASQUARELLI (Director at DG TREN and acting head of the "Rail Transport and Interoperability" Unit) gave a slideshow to present the conclusions of the Commission Report on the implementation of the first railway package<sup>1</sup>. The Commission's assessment was generally positive. With respect to employment, the major restructuring of the rail sector had been a matter of life or death for the sector. The challenge now was the issue of skills, opening up training to all and the need to reinvest in skills. The Commission representative also spoke of the situation regarding the third railway package and the creation of the European Railway Agency<sup>2</sup>.

The employers and workers were unanimous in considering that the report did not give sufficient credit to the staff for their efforts in the restructuring process of recent years and that the analysis of liberalisation was too superficial. The ETF delegation also criticised the blocking of the proposal for a directive on the certification of train crews, the absence of an overall transport policy, the break-up of integrated companies, the lack of administrative ability in national independent supervisory bodies, the negative impact of the ban on cross-financing in organising local public transport (particularly in the new Member States), the failings of the sector to create (good quality) jobs and the fact that in noting that "in general terms, employees in incumbents have preserved their status", the report should ignore the numerous "golden handshake" agreements which had accompanied this process. The employers' delegation stressed that the situation regarding

<sup>1</sup> COM(2006) 189 final of 3.5.2006

<sup>2</sup> <http://www.era.europa.eu/>

railways in Eastern Europe was giving cause for concern. It did not agree with the Commission's assessment that the new companies would offer a solution to all the problems and criticised the fact that the incumbents would have to bear the lion's share of adjustments. The employers also highlighted the imbalances in public and political attention on different modes of transport, particularly with respect to infrastructure investment. The delay in the Eurovignette would only exacerbate this problem.

The Commission representative regretted that other parties in the sector had not drawn up their own overall reports and drew attention to the different initiatives under way to redress the balance between the different modes of transport. He was satisfied with the exchange of views with the social partners, but regretted the lack of time available to reply to their comments. The Chairman of the Committee proposed that this exchange continue at a future meeting of the steering committee.

#### **(4) Report on "Industrial relations in the railway sector"**

Mr WELZ (Dublin Foundation) presented the report on industrial relations in the sector<sup>3</sup>. The social partners considered the study to be very useful but were disappointed that it should only scratch the surface and did not take into consideration the situation concerning collective bargaining within the new companies. Whereas the unions highlighted the need for transnational collective agreements and the existence of social dumping when there was no collective agreement, the employers referred to good practices in tripartite consultation (for example in Luxembourg) and to the difference in trade union density in the old and new companies. They would have preferred the study to be more forward-looking. The representative from the Foundation admitted that this was not a thorough scientific study but a "snapshot" of the current situation. He thanked the participants for their reactions which he felt were constructive.

#### **(5) Joint opinion on the mid-term review of the 2001 White Paper**

The CER, ETF and EIM signed a joint opinion which would be widely distributed. The parties agreed that after the Commission's review had been published<sup>4</sup>, the sector's voice would still need to be heard, particularly in favour of sustainable development and in view of the EU's new financial perspective for 2007-2013.

#### **(6) Monitoring of the agreements**

The ETF defended the idea of implementing the agreement concerning certain aspects of the working conditions of mobile workers before the deadline for transposition by the Member States (July 2008). The agreement would be binding on the signatories and it should be taken into consideration within companies which were members of the CER. According to the CER, all its members would observe the agreement, which would not prevent the CER from proposing any fresh negotiations.

Mr HARA (SNCF) went through the stages of the licence agreement. In order to avoid premature implementation – i.e. before the final provisions of the directive on the certification of staff were known –, it was proposed that the members of the CER be urged to apply the part concerning them in issuing the licence, as soon as the directive

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<sup>3</sup> <http://www.eiro.eurofound.eu.int/thematicfeature13.html>

<sup>4</sup> [http://ec.europa.eu/transport/transport\\_policy\\_review/index\\_en.htm](http://ec.europa.eu/transport/transport_policy_review/index_en.htm)

appeared and without waiting for its transposition into national law. Ms TRIER (ETF) stressed that the final text would have no technical parameters differing from the text negotiated hitherto and was therefore not convinced by this argument. In addition, the agreement of the social partners would contain provisions which were not included in the draft directive, and would need to be implemented by the signatories. The ETF regretted that the social partners had not agreed on a political declaration which would have defended a rapid adoption of the licence, separately from other proposals in the third package. Mr FALCHI (EIM) confirmed the need to have the licence quickly. Mr INGLESE (FS) stressed the political importance of the agreement (influence of the Commission's legislative proposal) and considered that as the agreement as such had not been transposed by means of a Council Decision, it could not be considered as binding. Mr PREUMONT (CER) pointed out that as a TREN study was currently under way on the parameters for the registers, it would not be premature to implement the licence as of now.

#### **(7) Report from Working Parties I and II**

Mr GREIVELDING (ETF) and Mr PREUMONT reported on the work of the two groups. Ms TRIER also gave information on the information seminars which would be held in Tallinn and Bucharest in June and on which a brochure would be published in the autumn<sup>5</sup>. Mr INGLESE wanted to know if the partners confirmed their support for following up the project on the better integration of women in various professions in the rail sector (draft drawn up by FS). This was the case.

#### **(8) Information from DG EMPL**

Ms DURST (DG EMPL) informed the social partners about the update of the social dialogue site, particularly the "social dialogue toolkit" covering matters such as the typology of European social dialogue results and information on company texts resulting from transnational negotiations<sup>6</sup>. She presented the work being carried out on transnational collective bargaining and mentioned the first multisector agreement concluded by 13 employers' organisations and four union organisations in April<sup>7</sup>. With respect to the application by the ERFA organisation to become a European social partner, the Commission representative informed the participants that the application was still not complete (lack of information making it possible to verify the representativeness criteria and the organisation's social mandate).

#### **(9) Other business**

The CER, ETF and EIM signed a joint letter to the Executive Director of the European Railway Agency about relations between the social partners in the sector and the Agency.

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<sup>5</sup> The brochure on the seminars in 2004 is available at the following address:  
<http://www.cer.be/content/ItemPublication.asp?level1=932&level0=928&docid=3316>

<sup>6</sup> [http://ec.europa.eu/employment\\_social/social\\_dialogue/toolkit\\_en.htm](http://ec.europa.eu/employment_social/social_dialogue/toolkit_en.htm)

<sup>7</sup> [http://ec.europa.eu/employment\\_social/emplweb/news/news\\_en.cfm?id=152](http://ec.europa.eu/employment_social/emplweb/news/news_en.cfm?id=152)

19 May 2006

Participants :

<p><b>Employers:</b></p> <p>Ms Abike Mr Bollendorf Mr Bakalar Ms Cataldi Ms Einmann Mr Falchi Mr Hara Mr Hradisky Mr Humlin Mr Inglese Mr Kliment Mr Kuczynski Mr Leeb Ms Lemut Ms Lepuschanne Toth Mr Ludewig Mr Martinez Mr Mette Mr Preumont Mr Raym</p>	<p><b>Employees:</b></p> <p>Mr Africano Mr Armingier Mr Bach Mr Bartl Mr de Chateauvieux Mr Dera Mr Dusek Ms Dvorakova Mr Gamez Ramirez Mr Greivelding Mr Kedzierski Mr Le Reste Ms Marzola Ms Moberg-Lindahl Mr Moyano Rubio Mr Papp Mr Petit Mr Piteljon Mr Reed Mr Rozlozuik Mr Sanchez Garcia Ms Tamas Mr Tanner Mr Teznavskyi Ms Trier</p>
<p><b>European Commission:</b></p> <p>Ms Durst (DG EMPL F/1) Mr Grillo (DG TREN E/2) Mr Grillo Pasquarelli (DG TREN E)</p>	<p><b>Others:</b></p> <p>Mr Welz (Dublin Foundation)</p>