



**Draft Minutes
Plenary meeting of 10 October 2017**

1. Adoption of the agenda

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

2. Adoption of the minutes of the last meeting (15 May 2017)

The draft minutes were slightly adapted and approved.

3. Information by the Commission on:

a) Implementation process IWT Council Directive on Working Time

Ms García informed the social partners about the transposition of Directive 2014/112/EU. As presented in the previous meetings there are differences among the Member States (MS) in transposing the Directive. MS have notified their national execution measures (NEM or MNE) to the Commission via MNE-Database. The national implementing measures notified to the Commission are publicly available via the following link: <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32014L0112>.

The EC has started infringement procedures (non-communication cases) for 9 Member States (BG, CZ, DE, EE, FI, LU, PL, RO, UK) on 24 January 2017 by sending a letter of formal notice.

In the meantime 5 MS out of the 9 have declared that the transposition is complete. This is in addition to the 10 MS (AT, BE, FR, HR, HU, IT, LT, NL, SE, SK) which had already done so in January 2017. The European Commission (EC) examines these transposition measures. Prima facie checks of the completeness of the notification (geographical and material coverage) are carried out by the EC.

The remaining MS (BG, CZ and RO) have not notified any measures and one (UK) has declared a partial transposition.

As already reported in May 2017, nine Member States have declared that the transposition is not required for geographical reasons: DK, IE, EL, ES, CY, LV, MT, PT, SI. The EC has to carry out an assessment of geographical reasons on a case by case basis.

However, the EC priority is currently on the non-communication cases. During this first stage (non-communication cases) reasoned opinions will be sent to the remaining 4 MS. They have 2 months to comply with it; otherwise the Commission may bring the matter before the CJEU.

With regard to the other MS, the EC will continue its examination of the transposition measures and decide to continue the infringement or to close it. The first stage includes the assessment of geographical reasons.

During the second stage conformity checks will be conducted. These checks entail the assessment of the compatibility of the national implementing measures with the Directive's provisions/obligations, including definitions.

As a general rule, the conformity check should only start once the previous phase of the transposition check, including a possible infringement procedure for failure to communicate transposition measures, has been completed.

The Commission aims at completing the conformity check within 16 to 24 months from the date of the communication of the national transposition measures.

Social partners assured the EC to support the EC/MS in this transposition process of the Directive, in particular in view of the remaining MS. National representatives of BG and CZ highlighted that the transposition is underway in Bulgaria and has been finalized (15 September 2017) in the Czech Republic.

As in the previous meeting social partners strongly underlined that it cannot be accepted that some MS were not transposing the directive because of geographical reasons although the registered office or place of business of the company or employer is situated in those MS (e.g. MT, CY). Social partners reminded the EC that it has to be clarified in terms of working time legislation which principle applies. Either it is the law in which the work contract was signed or it is the law of the country in which the vessel operates/is.

b) State of Affairs Draft Directive on Professional Qualifications

Ms Rousseau informed the Committee about the outcome of the negotiation process on the upcoming directive on the recognition of professional qualifications in inland navigation. She gave a presentation on the content of the informal agreement with a specific focus on the points that were outstanding until the global agreement was reached end of June. She also referred to the planning for the adoption and transposition of the directive. The work of the lawyer-linguist is ongoing and a vote in European Parliament is foreseen on 14 November 2017. She emphasised that it is an important step for the sector and that the objectives pursued by the Commission proposal have

been well preserved. Crew members will be able to exercise their profession in a cross-border environment in an easier way as the Union certificates of qualification will be recognised on all inland waterways throughout the Union. This will be possible thanks to a further harmonisation within the Union (Rhine certificates will be issued in accordance with the same requirements as those set by the future Directive) and a competence-based approach. It was followed by a range of Q&A on the content of the agreement.

c) Horizontal social developments at EU level bearing effect on the European IWT sector

Ms Rousseau also informed the participants about other points of interest of the Committee. First, she referred to the first meeting of the Commission expert group on social issues in inland navigation that took place on 7 September (ETF, ESO and EBU represented). Second, she informed the Committee about the adoption on 5 October of the Commission decision authorizing the use of the Inland Waterways Fund. The next step will be the creation of the platform for the development of common projects. She mentioned the decision that the Social partners and the SSDC should be consulted, where relevant, on the development of the common projects. ETF referred to the needs in the field of education and asked about the possibility to consider a joint request in that area which would fall under the social dimension of the fund. ESO highlighted that legally the measures are to be proposed by EBU and ESO but that they were open to discuss and consider skills-related measures with ETF. ESO also proposed to make a presentation of the platform in the next SSDC meeting. Finally, Ms Rousseau also informed about the formal inclusion in the Commission agenda of an initiative on digital tools for facilitating the implementation and ensuring enforcement inland navigation legislations. As per the procedure on Better Regulation, an inception impact assessment will be published (Nov or Dec) and will be open for feedback before the launch of the tender for an external study in support of the impact assessment.

d) Representativeness study

Mr Strohbach informed about the current state of play which was provided by Mr Kerkhofs (Eurofound).

The national draft reports are currently prepared by Eurofound. By the end of 2017 social partners (secretariats) will be asked to check the national draft reports. After this check an overview report will be drafted (early 2018).

Around March 2018 social partners will be consulted to check this draft overview report. Social partners' comments will be integrated in the report by April/May 2018. The formal evaluation of the study is envisaged for summer/autumn 2018 (Eurofound Advisory Committee).

4. Follow up of TASCs project

Ms Chaffart informed about the current state of play of the TASCs project. The project is in the research phase and an interim report (definition of the methodology and of the fleet) was circulated among the members of the Steering Committee. The proposal is that 10000 vessels should be considered as the profile group. As a first sample 10 vessels will be visited in order to

check the methodology. In total, the project aims at a sample of 50 vessels. However, taking into account all variables of the European fleet the sample of 50 vessels might not be sufficient.

The Steering Committee will meet on 5 December 2017.

5. Social Security in European Waterway- upcoming CASS Meeting 26 October

Ms Chaffart pointed out that currently 2 different systems for social security in European waterways are in place which are

- Rhine regime which falls under Article 16 (exceptions) of the regulation No 883/2004 (29 April 2004)
- Regulation (EC) No 883/2004 for all other IW without the Rhine

The problem remains to harmonize the 2 different systems into one single European social security system. ETF has requested a consultant to propose solutions for such a European harmonization by which today's rights of employees in the sector should not be reduced. However, Ms Chaffart invited employers to engage in this process and to support the harmonization of social security in European waterways.

Mr Koning referred to the presentation of Mr Otting (EC) in the previous SSDC meeting who highlighted Article 14(5a) of Regulation (EC) No 987/2009. This Regulation should be used in finding a solution for the harmonization. The topic should be discussed in the next CASS meeting.

Social partners agreed on using external help in order to identify a common position for the sector and to proceed with the harmonization. Therefore a joint working group will be organised.

6. Discussion & adoption work programme 2018-2019

Ms Chaffart reminded the colleagues of the draft work programme 2018/2019 which was circulated by e-mail. However, EBU needs more time for finalizing its comments. In addition ETF would like to add a point with regard to digitalization/new technologies in the sector. According to the discussion among social partners some further clarification/adjustment of the draft work programme is needed. It was pointed out to put more emphasis on the objectives which should be achieved.

7. ILO study IWT

Ms Chaffart informed that Mr Wagner (ILO) is currently not in a position to inform the SSDC about the study.

8. AOB

AGM

Mr Strohbach presented the system AGM which will be introduced for the SSDC IWT as of the next meeting (January 2018). AGM is the European Commission's new online system for planning and organising meetings

involving external experts. It is designed to make it easier for external experts to attend meetings financed by the COM. With AGM, the Commission has created a paperless reimbursement system. As AGM is still in a test phase, the COM would welcome feedback from its users.

SSDC meetings 2018

Mr Strohbach pointed out that the meeting dates 2018 will be communicated in November 2017.

Presentation

Ms Chaffart proposed to invite an expert presenting a study concerning gender pay gap in the IWT sector in the next meeting.

Participants

<p>5 Employers <i>(3 ♂, 2 ♀, 3 different Member States)</i></p> <p>EBU</p> <p>Mr Koning (NL) vice-chair Mr Stommel (DE) Ms Kegels (BE)</p> <p>ESO</p> <p>Ms Beckschäfer (DE) Mr van Lancker (BE)</p>	<p>9 Workers <i>(8 ♂, 1 ♀, 6 different Member States)</i></p> <p>ETF</p> <p>Mr Kerkhof (BE) chair Ms Chaffart (BE) Mr Jerabek (CZ) Mr Misic (HR) Mr Kraijenoord (NL) Mr Kerkhofs (BE) Mr Karavatchev (UK) Mr Kiepe (DE) Mr Shchekotin (RU)</p>
<p style="text-align: center;">Central Commission for the Navigation of the Rhine (CCNR) Ms Braat</p> <p style="text-align: center;">European Commission Ms Rousseau (DG MOVE) Ms Perez Ruiz (DG MOVE) Ms Garcia Garcia (DG EMPL) Mr Strohbach (DG EMPL)</p>	