

# **SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT**

**TUESDAY 27 OCTOBER 2015 – 11.00 H.**

## **DRAFT MINUTES**

Chair: Mr Tomas Abrahamsson

### **1. APPROVAL OF THE DRAFT AGENDA**

**The SSDC approved the draft agenda for the SSDC meeting of 27.10.2015.**

### **2. APPROVAL OF THE MINUTES OF THE SSDC MEETING OF 7.5.2015**

**The SSDC approved the draft summary record of the SSDC meeting of 7.5.2015.**

The Chairman advised that Mr Tim Springett had been appointed as the new ECSA spokesperson in the SSDC, in replacement of Ms Pia Voss.

Mr Springett commended Ms. Pia Voss for her excellent work and achievements over the past 10 years and he looked forward to a constructive cooperation and dialogue with the ETF. He mentioned in particular the Directive on the exclusion of seafarers as an example of excellent cooperation amongst the social partners.

Mr Dickinson echoed Mr Springett's comments regarding his predecessor and congratulated him on his appointment as ECSA's spokesperson and looked forward to continuing the positive cooperation between ETF and ECSA on the many challenges ahead.

### **3. MATTERS ARISING**

#### **a. Mid-term maritime strategy review- State of play**

DG MOVE highlighted that the mid-term maritime strategy is not a new strategy but a stocktaking exercise of the Commission's maritime strategy as of 2009. The mid-term review is also aimed at aligning the Commission's maritime strategy to the Juncker's priorities. DG MOVE added that nothing has been decided for the time being in relation to the forthcoming Shipping Package. DG MOVE also commended the social partners for having been able to make a joint submission on the mid-term maritime strategy review and stressed that the content of this joint submission is being carefully looked at. Finally, DG MOVE referred to two ongoing studies, notably one on the international dimension of shipping and one on short sea shipping. The outcome of these two studies will also be looked at in the context of the forthcoming Shipping Package.

ECSA thanked the two secretariats for having managed to produce a joint submission on the mid-term review and invited DG MOVE to make a formal response to this joint submission since ECSA and ETF are the institutional social partners for maritime transport. The Chair fully supported this point. ECSA furthermore indicated that it will wait for the final versions of the two studies undertaken by DG MOVE and requested a concrete timetable for them. Finally, ECSA suggested identifying the key priorities from the list of actions laid down in the joint submission on the mid-term maritime strategy review, with an aim at giving this submission a concrete follow-up.

ETF welcomed the fact that the social partners had been able to produce a joint position; on the content, it made clear that the Commission should insist much more on the human element and in particular on the need of creating new jobs for EU seafarers instead of only seeking to maintain current levels: New technologies are an important factor to ease the administrative burden placed on seafarers and improve living conditions onboard vessels but the core element of the EU's policy should be the creation of jobs for EU-domiciled seafarers. ETF welcomed the suggestion from ECSA to identify the key priorities from the list of actions laid down in the joint submission on the mid-term maritime strategy review.

With regard to the timeframe for the Commission's two studies, DG MOVE clarified that they are expected to be ready by the end of the year. With regard to the timeframe of the Commission's analysis of the input received from stakeholders on the mid-term maritime strategy review, DG MOVE expects to issue a final report by the end of 2015 as well.

#### **The SSDC agreed as follows:**

- **DG MOVE is invited to provide a formal response to the joint ECSA/ETF submission to the Mid-term Maritime Strategy Review**
- **DG MOVE is invited to provide the social partners with a timetable for the follow-up to the mid-term maritime strategy review.**
- **The ECSA and ETF secretariats should prepare a follow-up to the joint ECSA/ETF submission to the Mid-term review.**

#### **b. Amendments to the ILO MLC – Follow-up discussion**

The Chairman referred to the response from DG EMPL to the joint ECSA/ETF letters and concluded that a social partners' agreement on these amendments do not seem to create any major (legal) difficulties.

DG EMPL confirmed its full support for the negotiations but reminded the social partners of the need to carry out an impact assessment of the final text.

ECSA confirmed its intention to start negotiating and indicated that it had taken due account of the Commission's answers with regard to Part B and Part A of the code). ETF indicated that it is confident that the negotiation could be concluded very quickly.

After DG EMPL's confirmation that the social partners would be able to receive EU funding for their travelling and meeting arrangements, ETF and ECSA informed that it will be up to their Secretariats to decide on the size of the negotiation's delegations (preferably small). A first negotiation meeting could be organized before the end of the year.

**The SSDC welcomed the positive letter from DG EMPL providing a basis to the social partners to start negotiating a social partners' agreement on the ILO MLC amendments relating to abandonment, disability and death of seafarers.**

**The ECSA and ETF secretariats should fix a timetable for negotiating the social partners' agreement. A first meeting should preferably be held before the end of 2015.**

**DG EMPL confirmed that EU funding for organizing the SPA negotiations will be available.**

#### **c. Project proposals**

- For negotiating the amendments to the Social Partners Agreement on the MLC to take account of the amendments made to the MLC in 2014**
- For seeking external advice on obtaining financial support from existing EU funding programmes for maritime apprenticeships and training**

DG EMPL indicated that by early November it will communicate to all the proponents the results of the call on the social dialogue's projects (VP/2015/001).

**The SSDC took note that a formal Commission decision on the joint ECSA/ETF project, submitted in the context of the annual support for social dialogue projects, is expected soon.**

#### **d. Exclusions of seafarers – Latest developments**

The Chairman advised that the final text had been approved by the European Parliament and Council of Minister and had been published in the Official Journal of 8.10.2015 as Directive 2015/1794. He welcomed the fact that the final text had preserved the joint ECSA/ETF agreement.

ECSA acknowledged the fact that it had been an outstanding achievement from the two organisations to reach an agreement on this very difficult matter and to preserve the content of the joint ECSA/ETF agreement throughout the entire EU decision-making process. This achievement is a clear illustration of the success of the sectoral social dialogue for maritime transport.

ETF supported the view that this joint agreement had been an outstanding achievement and underlined that, although it had not been a formal social partners'

agreement in the sense of Article 155 TFEU, the final result was very good and was an example of better regulation, but coming from the social partners.

Both social partners agreed that by now the main objective is the implementation and enforcement of the adopted directive at national level. To that end, ETF and ECSA will send a joint circular to their affiliates to underline the need to monitor the national process carefully and report back to the respective secretariats.

**The SSDC agreed that the two Secretariats should write a joint letter to their affiliates to draw their attention on the need of an accurate implementation and enforcement of the directive at national level and to report back to the two secretariats.**

#### **e. Administrative burdens for seafarers –The Digital Transport Logistics’ Forum**

The Chairman referred to the letter sent by Mr Karamitsos by virtue of which he encouraged the active involvement of both ECSA and ETF in the Forum (both are represented).

A joint note by ECSA and ETF was used to express frustration on the lack of progress and on the abolition of the e-Mar Forum. Both associations acknowledged the need of an in depth identification of the burdens that should be resolved. It was underlined, as well, that the human element and the potential impact on the users must also be taken into account. ETF proposed a joint effort by ECSA and ETF in taking more time to address the potential administrative burden, especially by the creation of a task force. Such initiative was welcomed by ECSA and the DG was called to identify the way to move forward on the matter.

**The SSDC agreed that the ECSA and ETF secretariats will identify a number of specific administrative burdens, for discussion in a dedicated ECSA/ETF working group and a possible submission of concrete proposals to DG MOVE.**

## **4. REPORT ITEMS**

### **a. Migrants at sea**

ETF advised on the decision-making process in the Council of Ministers and the European Parliament. In the European Parliament, a report on this issue had been discussed recently. This report, inter alia, made reference to the importance of the merchant vessels in rescuing operations. The report will be adopted by the Transport Committee on 13 November and by the December’s plenary.

Reference was also made to the very much appreciated Lloyds List "Seafarer of the year" award as recognition of the contribution, the dedication and commitment of the seafarers in the Mediterranean who assist the migrant rescues and the preservation of human life.

ECSA indicated that shipping companies will continue to do their job as they have a legal obligations to rescue people at sea. Meanwhile, ECSA will continue to monitor all the migrant's flows.

ETF indicated that the process of the EP's report should be monitored and that the topic of the migrants at sea should be kept on the agenda of the Committee.

- The SSDC took note of the developments in Council and the European Parliament and agreed that both associations should cooperate on this matter, where possible.
- The SSDC agreed to maintain this item on the agenda of future SSDC meetings.

### **b. Piracy**

ETF indicated that recent cases affecting two Ukrainian sailors and two Lithuanian sailors kept by pirates demonstrate piracy has not gone away. The point must be kept on the agenda of the Committee and regularly reviewed.

ECSA acknowledged the seriousness of this topic and underlined the need for the two organisations to cooperate closely, where needed.

**The SSDC agreed to keep this topic on the agenda of the Committee.**

### **c. Representativeness' study**

The Chair advised ETF and ECSA to take seriously this exercise because in other sectors the final output was not always satisfying; he therefore encouraged the affiliates to closely look at the draft study report and provide feedback as required.

DG EMPL confirmed that these representativeness' studies are done on a systematic basis and concern all the sectoral social dialogue Committees. Eurofound works also on the basis of the input received by the European and national social partners. It also indicated that this representativeness' study could timely match the outcome of the negotiation of the social partners.

**The SSDC called upon all ETF and ECSA member-associations to analyse thoroughly the draft study on the representativeness of the social partners for maritime transport, particularly bearing in mind that previous studies for other modes of transport had proven to be inaccurate. The SSDC acknowledged the importance of getting the final version of this study right, taking into account its possible implications for the representativeness of the respective organisations.**

### **d. Schengen Visa Code – latest developments**

On the issue of the Schengen Visa code, ECSA advised that the Commission proposed amendments of some parts of it (including, inter alia, a validity period of multiple

entry and the shortening of the time period to process application). It was noted that the proposal is now at the European Parliament and there are extensive comments and amendments made by the Rapporteur. As Member States are less keen to accept the changes proposed by the European Commission, work must be done on the MS to secure a positive final outcome.

ETF highlighted the same issue and the need for further discussions beyond this meeting with the aim to preserve the goal that was set regarding this proposal. ETF further highlighted that the joint proposal for an amendment on the definition for seafarer would need to be discussed further as ETF had some doubts as to the real advisability of this amendment.

ECSA indicated that it welcomed the proposal and that it believed that the incoming report of the European Parliament will go in the right direction. However, the Council believes that the Commission goes in the right direction but the political climate does not create the right time in favour of more flexibility, amongst others due to the outburst of the migrant crisis.

**The SSDC took note of the latest developments on the Schengen Visa Code and the Schengen Border Control and agreed that the ECSA and ETF secretariats should cooperate on these matters, prepare joint arguments and lobby the relevant people jointly.**

On the issue of the Schengen border control, it was indicated by ECSA that there is a lack of understanding of border control's provisions.

ETF added that there is the need to identify common challenges. In fact, if the Convention 185 (Seafarers' Identity Documents Convention) was correctly ratified, many problems would have been solved.

**ETF and ECSA agreed that work still needs to be undertaken on this issue.**

## **5. AOB**

ETF made a short presentation on the European Citizen's Initiative (ECI) for Fair Transport, an initiative to improve security of employment and working conditions for European transport workers. The objective of the initiative is to raise enough awareness for this important topic to put it on the agenda of the European Commission.

In order to do this, ETF reminded that according to the Lisbon Treaty, at least one million EU citizens need to sign the petition before the European Commission can consider making a legislative proposal. The signatures need to come from at least 7 Member States and need to be gathered in 12 months.

ETF indicated that seven concrete proposals are underpinning this initiative and that it hoped that they would be picked up by the European Commission.

ECSA replied that it had duly taken note of this initiative and that it would carefully study it and revert at a later stage.

**The SSDC took note.**

#### **4. DATE AND PLACE OF THE NEXT SSDC MEETING**

**The Commission will promptly inform ETF and ECSA on the dates for the meetings for 2016.**

#### **Attendance List**

##### **ETF**

- Castaño Fernandez Jose Cristian
- Chateil Jean-Philippe
- Dickinson Mark
- Alfonso Philippe
- Grahl Hans-Dieter
- Jerabek Milan
- Jung Joël
- Kalnius Remigijus
- Kristensen Karsten
- Le Guevel Thierry
- Meyer Mette Mille Bondo
- Mihalcioiu Adrian
- Perez Vega Jose Manuel
- PetrovPetar
- Piatkowski Henryk
- Santoro Giacomo
- Schroeter Klaus
- Thomas Olivier
- Steve Todd
- Vask Kaia

##### **ECSA**

- Tim Springett
- Koltsidopoulos George
- Raikunen Laura
- Papagiannopoulos Vasilis
- Boccardo Armando
- Petterson Hege Ajer
- Trolle Anne Windfeldt
- WestraTjitso
- Waanders Willem

- Holmberg Fredrik
- Inglis Stewart
- Gintautas Kutka
- Peeters Hilde
- Van Echelpoel Nicole
- Tytgat Christophe
- Joergens Runa
- Bergulf Simon
- Costel Virginie