



**EUROPEAN COMMISSION**

DG Employment, Social Affairs and Inclusion

Employment and Social Legislation, Social Dialogue  
**Social dialogue, Industrial Relations**

Brussels, 21 November 2011

**SECTORAL DIALOGUE  
COMMITTEE  
RAILWAYS**

## **Concise minutes of the "Adaptability and Interoperability" working group meeting**

**6 July 2011**

The meeting was chaired by Mr Piteljon (workers, chairman of the working group). A group of trade union delegates from EU-12 attended the meeting as observers (within the project "Decent work for transport workers. Capacity building for social dialogue in the transport industry in new member states and candidate countries" carried out by ITC-ILO). The agenda was adopted.

### **(1) Agreement on working conditions: state of play of the Commission study**

Ms Durst (DG EMPL) informed the participants about the state of play with regard to the study on the Implementation of Directive 2005/47/EC on the agreement on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector. The consultant was currently carrying out interviews. CER confirmed that it had been in contact with the consultant. ETF had already had a telephone interview (a face-to-face interview would follow soon) and confirmed that it had provided contact persons for the case-study countries concerned.

### **(2) Protection of staff in case of change of operator**

CER announced that the organisation had no internal agreement yet on how to approach the subject. It would however be interesting to already get a picture ("photography") of the situation in Europe. Some countries like SE had already wide experience in this field. ETF was disappointed that the employers' organisation had not submitted any concrete proposal. But the workers' organisation was in principle ready to do such a mapping exercise, provided that the framework would be extended beyond the aspects related to transfer of staff. One should also look at the stage of tender procedures (quality and social criteria in tender specifications, see Regulation 1370/2007<sup>1</sup>). ETF proposed to use the next meeting to listen to concrete examples from experts from SE, DK, NL, DE

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<sup>1</sup> Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:315:0001:0013:EN:PDF>

and/or UK. Afterwards, a small joint group should be nominated to further work out a concrete project proposal.

### **(3) Discussion with the European Railway Agency (ERA)**

Mr Mette (Project Officer Interoperability) and Mr Brandstack (Head of Sector "Operation") from the Agency gave a slide presentation on the points enquired by the social partners beforehand: Annex IV of Directive 2007/59/EC on the certification of train drivers; ERA work programme and social partners' involvement, health and safety conditions of staff (chapters 4.6 and 4.7 of the TSIs).

One important issue raised during the discussion was the process leading to the adaptation of annexes and the social partners' role when Annex IV is amended – the latter being based on an autonomous social partner agreement. Mr Grillo (DG MOVE) said that annexes were amended at the Commission's initiative. Even though the Agency had not been requested to issue an opinion, the Agency had the legal basis to issue recommendations<sup>2</sup>. The ERA Regulation foresees systematic social partner consultation. It could be interpreted from Article 31 of Directive 2007/59/EC that the consultation requirement regarding the adaptations of annexes had not been fully met since the consultation did not take place prior to the preparation<sup>3</sup>. This should be looked at carefully in the future. Mr Mette pointed out that the need to adapt the annex did not come as a surprise; it had for instance been raised within the Agency's working group on vocational competence.

Another question was related to the work regarding the certification of other on-board personnel for which a Commission report should be prepared. DG MOVE announced to provide the information after the meeting<sup>4</sup>.

ETF raised concerns about the fact that health and safety conditions of staff were mainly being discussed by technical experts within the Agency. Also, a lot of H&S regulation existed at national level and should not fall apart. There was not enough evidence that the Agency would come to a more balanced approach (horizontal approach). The workers' organisation expressed its interest to look at this chapter in a more systematic way and to get further information from the Agency at the next meeting.

### **(4) Finalisation of the work programme (psychosocial risks)**

ETF apologized that so far it had not been possible to prepare a detailed project description. As from September, the new ETF intern would start working on a proposal. This would be done in full cooperation with the employers' side.

### **(5) Presentation of the findings of the ERTMS project**

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<sup>2</sup> [http://europa.eu/legislation\\_summaries/transport/bodies\\_objectives/l24013\\_en.htm](http://europa.eu/legislation_summaries/transport/bodies_objectives/l24013_en.htm)

<sup>3</sup> "Where the adaptations concern health and safety conditions, or professional competences, the Commission shall ensure that the social partners are consulted prior to their preparation." (Article 31 of Directive 2007/59/EC)

<sup>4</sup> DG MOVE is analysing the ERA report and preparing a Communication to Council and Parliament. A draft from DG MOVE should be ready in September 2011 and might be adopted by the Commission in October 2011.

Ms Marzola (workers) presented the main findings of the "AIMESC" project and made three proposals for a joint follow-up (see slide presentation). CER was reluctant towards the first proposal (devising a monitoring tool on ERTMS, liberalisation and railways restructuring). The second proposal on the impact of ERTMS implementation on professional profiles and organisational change/new training policies seemed however to be of interest. The third aspect (inter-sectoral approach, network technologies in SGIs) would probably go widely beyond the remit of the rail sector. Against the backdrop of other ongoing and planned project, there might be a human resources problem. Therefore CER had first to consult their membership. ETF specified that the first proposal was not meant to become a political discussion but a monitoring tool of the introduction of the new system. The impact of the new system was different between completely new infrastructure and partly modernised infrastructure. EIM thanked ETF for the interesting project conclusions.

**Participants**

<p><b>Employers (4 ♂, 5 ♀)</b></p> <p><b>CER</b>          Mr Castellitto (IT)          Ms Ignatova (BG)          Mr Olofsson (SE)          Mr Preumont (CER)          Ms Rousselet (FR)          Ms Streichert (DE)          Ms Vassileva (BG)          Ms Vetzkova (BG)</p> <p><b>EIM</b>          Mr Blomberg (SE)</p>	<p><b>Workers (6 ♂, 2 ♀)</b></p> <p><b>ETF</b>          Mr Aufrère (FR)          Mr Gamez Ramirez (ES)          Ms Marzola (IT)          Mr Piteljon (BE)          Mr Tauchner (AT)          Ms Trier (ETF)          Mr Verleysen (BE)          Mr Waccin (FR)</p>
<p style="text-align: center;"><b>European Commission</b></p> <p style="text-align: center;">Ms Durst (DG EMPL)          Mr Grillo (DG MOVE)          Mr Schöbel (DG EMPL)</p>	
<p style="text-align: center;"><b>European Railway Agency</b></p> <p style="text-align: center;">Mr Brandstack          Mr Mette</p>	