



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

Brussels, 22 June 2010

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR MARITIME TRANSPORT

WORKING GROUP MEETING

held on 7 December 2009 in Brussels

DRAFT MINUTES

The Chairman welcomed members, particularly Simon Mordue who had taken up the post of Head of Unit G1 in DGTREN in November.

A list of participants is **attached**.

Mr Mordue welcomed the opportunity to attend the Plenary and noted that while a relative newcomer to the maritime world, as deputy Head of Cabinet for Vice President Verheugen he was familiar with shipbuilding and marine equipment. Social issues were a central part of his Unit's work, with President Barosso recently making clear the importance he attached to such matters in the future.

1. ADOPTION OF THE PROVISIONAL AGENDA

Members **agreed** that the order be changed to take account of the travel delays of the ECSA spokesman.

2. RECORD OF LAST MEETING (10/12/09)

Members **agreed** to the record as circulated and submitted to DGEMPL.

3. COMMISSION'S INITIATIVES OF COMMON INTEREST ON THE FUTURE MARITIME POLICY FOR THE EU:

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3.1 THE SOCIAL PARTNERS CONSULTATION ON THE EXCLUSION OF SEAFARERS FROM EU LEGISLATION

The Commission reported that DGEMPL had only received input on the 2nd stage consultation from both sides very recently and that they would now analyse the input; the way forward could be influenced by the views of the incoming Commissioner. The outcome of the impact assessment was anticipated by the end of the year, with any possible options for proposed legislation being subject to further impact assessments and prior consultation with the social partners. A Commission paper was not expected before March

ETF said that when making an impact assessment of options, it was important to bear in mind that other sectors were already covered by the legislation and, when making value judgements, seafarers should not be subject to any higher test. The fact that proposals to include seafarers should increase costs was irrelevant when decisions were taken by the Commission.

ECSA stressed the importance of not damaging the competitiveness of the EU shipping industry and the consequent importance of undertaking an impact assessment. It should be factual and not political.

The Commission noted that the impact assessment procedure was not a black and white mechanism, with the social implications and equality, as well as the economic/social consequences, also being considered.

The position was **noted**.

3.2 THE TASK FORCE ON “EMPLOYMENT AND COMPETITIVENESS”

3.3 A NEW SOCIAL PACKAGE FOR MARITIME EMPLOYMENT

The Chairman noted that while the idea for a Task Force had been launched by Commissioner Tajani in 2008, it appeared that no progress towards its formation had been made since.

ETF, while noting that the Task Force could begin its work in early 2010, stressed the importance of receiving a clear message from the Commission that its composition being balanced, with a proper representation of workers. The participation of ETF and ECSA representatives in it is essential to ensure that balance. The sole participation of serving seafarers would not satisfy a correct representation of workers in this ad-hoc body. Shipowner members should be committed to EU flags and to employing EU seafarers.

ECSA noted that the Task Force originated from the 2008-18 Communication, it being assumed that the Commission would nominate a balanced participation.

The Commission explained that the TF was not a formal decision making body or a substitute for such; rather, it brought together individual experts from a varied background, representing all involved parties in a balanced way, with the goal of producing food for thought/innovative ideas for the Commission. Once completed,

there would be formal consultation with the social partners and the wider world. It would be one of many sources for the development of a social package for the Maritime Transport foreseen by the end of 2011. Nominations would be on an individual basis, it being hoped that common ground for a shared vision could be identified. While there had been some delays, it was expected to be established in early 2010.

The Commission further explained their intention to publish a Communication on employment and social aspects in 2011, within the Social package. It would set out the current situation and the priorities/ideas for the future in the context of the 2008-18 maritime strategy paper. It was envisaged that there would be a legislative proposal for enforcing the MLC, addressing in particular the role of the flag and port states as well as possibly class; a study for the Commission on the possible mechanisms and impact would commence shortly. The changes to the STCW Convention, to be adopted in June 2010, would be transposed into EU law and, in the run up to the adoption, it would be helpful if ECSA/ETF could, if possible, jointly identify their priorities; these could be considered by the Council WG and possibly taken account of in EU joint submissions to the IMO. The Commission wished to see the highest possible standards agreed in IMO and to make sure that certificates issued by third countries were credible. The shortcomings of the current training directive would be considered as well as other possible legislation, although it was probably a bit early in the latter regard. The Social package was a priority for the Maritime safety unit which was committed to transparency and consultation with the social partners in this context.

ETF, in citing an earlier experience of a Commission working group where a minority opinion from the only seafarers representative had been necessary, stressed the need for an equitable seafarer representation on the Task Force given its potential influence on future policy. ETF had recently raised the issue of EU Coordination at IMO with DGTREN and the need for the social partners to have the opportunity for prior consultation. Often, the EU competence situation resulted in individual Member States seemingly not being able to speak out with; it was difficult to get views across and not clear when such meetings took place. A Commission note for the social partners setting out how the EU Coordination works and how some formal method of industry input could be established would be very helpful.

ECSA noted the work programme and that the aim of the Task Force was for the individual experts appointed to come forward with innovative ideas as a contribution to the future approach of the Commission. As regards the possible submission of a joint paper on the STW, there were already joint ISF/ITF submissions on some issues, (notably perhaps on medical fitness where the SP had a different view to Member States), and it was hoped that such a paper as requested could be developed; it would be helpful to have the support of the Commission and Member States. The position of the EU in IMO was sensitive and the proposal that there should be observer status had been postponed. Clarification on the EU Coordination procedure could be helpful.

The Commission noted that while the composition of the Task Force was not finalised, it was anticipated to comprise 10-12 members with a similar number of seafarers and shipowners, together with academics, international law specialists among others. As regards EU Coordination, the Commission's IMO representative

could be asked to explain to the Plenary how the arrangements functioned, with the dates and agendas of meetings to be provided. Given that the next Plenary would not be until late 2010, a note attached to the minutes would be provided. As regards the STCW Sub-committee, the next IMO meeting would take place in early January, with the Shipping Party meeting on 17/18 December; SP views were welcome before then. Following the January IMO meeting there would certainly be points left in square brackets, joint SP input on which by March/April would be helpful.

The position was **noted**.

4. UPDATE ON THE RATIFICATION OF THE ILO MLC

The Commission noted that all Member States were committed to ratification and that for some this could take place in 2010. They would be encouraging MS to ratify and, following up a suggestion coming from ETF, would prepare a note on the role of the MLC and the timetable; this could also be used by the SP to put pressure on the MS to ratify. As regards enforcement of the MLC, a 6 month impact assessment had just been launched, with a legislative proposal anticipated in 2011. The terms of the impact assessment envisaged consultation with the SP, with a workshop being held. This would be in addition to discussions with the SP at regular meetings.

Members **noted** the position and thanked the Commission for their initiative.

5. TRAINING AND RECRUITMENT ISSUES:

5.1 ETF AND ECSA PROJECTS ON SEAFARERS TRAINING AND RECRUITMENT: UPDATE, OVERVIEW AND INVOLVEMENT OF SOCIAL PARTNERS

The Chairman noted that while terms of reference for a joint ETF/ECSA project had been agreed by the WG, for an application for EU funding, in the event it did not occur, with two separate projects being submitted; funding for both projects had been awarded.

The Commission was not expecting two applications given the agreement referred to and noted that funding had been granted on condition that the SP are involved in each other's projects, as envisaged in both applications; such demonstrable involvement was a pre-requisite for receiving funding. It would be possible to combine the two projects if the terms of the agreed work programme were not departed from significantly.

ETF noted the encouragement of the SP to cooperate and confirmed that their more in depth, ambitious project envisaged ECSA involvement; they wished to know how shipowners saw such participation. The ETF project involved three thematic workshops and a final conference, with a brochure and recommendations being produced as an outcome. An ETF 'kick-off' meeting would be taking place on 16th December at which the issue of how best to work with/involve ECSA would be discussed. A small ECSA/ETF group could be established to discuss the issue.

ECSA noted that the agreed work programme and terms of reference had envisaged a joint project and it was regrettable that this had not resulted; it was a surprise that funding had been granted to both projects and ECSA continued to believe that a joint project was preferable. ECSA would be constructive and certainly willing in principle to participate in the ETF project. It was proposed that, as an ETF project, their discussions on 16th December should take place and that a small ETF/ECSA meeting takes place thereafter to discuss the possibilities.

The Commission (DGTREN) indicated that they would wish to be supportive but as involvement in two separate projects would be difficult time-wise, a merging of the two projects would be helpful.

Members **agreed** that following the 16th December ETF meeting, a small meeting between ECSA and ETF takes place early in the New Year to consider the possibilities of joining the two projects/the best way to cooperate.

The ECSA/ETF meeting was arranged for **21st January at the ETF offices.**

5.2 SSDC WORKING GROUP ON TRAINING AND RECRUITMENT: IMPACT ON THE WORK PROGRAMME

Members agreed that the results of the projects would be discussed in the WG and, as envisaged in the record of last Plenary, the terms of the 2009 Work Programme would continue over 2010.

6. COMMISSION'S STUDY ON MANNING CONDITIONS: DISCUSSION ON THE MAIN FINDINGS

Representatives from Utrecht University and Ecorys gave a power point presentation of a study for the Commission started in 2005 entitled 'Labour Market and Employment Conditions in Intra-Community Regular Maritime Transport Services'. A copy of the presentation is **attached**.

The Chairman noted that there were a number of international law issues which would no doubt be addressed further in the report and that no recommendations were included. The SP had not seen the study.

ETF noted that the rationale for the points made would be contained in the report and that there were a number of questions which could be addressed on another occasion. While some 98% of seafarers in intra EU trades were European in the 1990s, the situation was very different today. ETF regretted that despite that, the Commission has not taken any substantial action to counteract this trend. ETF asked about the status of the study, what the Commission intended to use it for and whether reactions from the SP to the contents were expected and/or useful.

ECSA agreed that the presentation raised many questions which could be addressed on another occasion, with a legal analysis being necessary; it was noted that when the issue was addressed in the 1990s it was intra EU passenger shipping that was being considered, the current study being much wider. ECSA was also

interested in the answers to the questions posed by ETF. It was not clear what was meant by the term 'European employment conditions'.

The Commission explained that the background to the study was the withdrawal of the manning directive in 2004 and the failure of the SP to reach agreement. The study was launched by Vice President Barrot in 2005, in light of his view that action should be taken in this area, its main objective being to study the sector. It was also linked to the issue of employment and competitiveness and it was available for consideration by the Task Force. While the study did not necessarily represent the views of the Commission, they were satisfied and approved its content. While the schedule for the Task Force was not yet known, it was felt that views on the study should be made known by mid 2010. The full study would be available within 10 days.

The position was **noted**.

7. HEALTH AND SAFETY ISSUES

ETF stressed the importance and priority they attached to health and safety and their wish to explore further the issues which had been brought forward in the WG. The issues should be kept alive.

ECSA noted the heavy work programme for the projects and the ongoing fatigue study which both the ETF and ECSA were involved in, and wondered whether it was realistic to devote much time to other H and S issues in 2010.

After discussion, it was **agreed** that the SP would look at the bullet points in the Work Programme to see if the issues identified could be taken forward.

8. WORK PROGRAMME FOR 2010

Members confirmed that the 2009 WP would be continued over to 2010.

9. DATE OF NEXT MEETINGS

It was **agreed** that the proposed 23 September (WG) and 7 December (Plenary) meetings could be confirmed. It was **noted** that the March date was not possible for ECSA and **agreed** that the secretariats would discuss the possibility of an alternative.

10. ANY OTHER BUSINESS

RETIREMENT OF BRIAN ORRELL

Brian Orrell announced that after some 10 years, this was to be his last Plenary meeting as ETF spokesman. He noted that while there had been considerable achievements in the social dialogue, they had been few and far between, and he hoped the SP would make greater progress in the future.

ECSA thanked Brian Orrell for his great contribution to the work of social dialogue and felt that while there had been disagreement on some issues, the agreements that had been reached were of considerable significance.