



To whom it may concern

**COORDINATION SOCIAL SECURITY AND THE FITNESS CHECK ON MARKET ACCESS
LEGISLATION IN INLAND WATERWAY TRANSPORT**

Brussels, 2 June 2020

Dear,

The European Inland Waterways Transport Social Partners, European Barge Union (EBU), European Skippers' Organisation (ESO) and European Transport Workers' Federation (ETF) would like to present their joint view on the coordination of Social Security as it is included in the Fitness Check on market access legislation in inland Waterway Transport.

The fitness check on market access legislation in inland waterway transport will jointly evaluate several pieces of legislation which were adopted in the 1960s-1990s to progressively build up the internal market in the sector of inland navigation. The fitness check will assess whether they are still fit for purpose, considering the sector today, and whether they support or hamper the functioning of the internal market in inland navigation.

Regulation (EC) 883/2004 on the coordination of social system contains the rules to protect social security rights when moving within the EU. The Regulation also specifies in which Member State a cross-border worker should be covered by the social security system. Regulation 883/2004 is part of the Fitness check.

Social partners are pleased to bring their view on the current situation on the coordination of social security and their joint ambition for the future under your attention. For more information and the technical details of legislation applicable to Rhine boatman we strongly refer to the CASS.

Current situation

Social partners comment on the Derogation Agreement on determination of legislation applicable to Rhine boatmen concluded on the basis of Article 16(1) of Regulation 883/2004 on the coordination of the social security systems. According to this Derogation Agreement

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the vessel operator's seat is the deciding factor in determining which social security legislation applies to crew members in our industry.

In this way the coordination of social security in European IWT is presently regulated by two distinct systems: the Rhine and the EU systems. Both systems are however sharing the same policy goal: to grant the same social protection and working conditions to those doing the same work at the same place.

The experiences with the application of this principle in Rhine navigation in the last decades have been overwhelmingly positive. It delivers legal certainty in the application of legislation to the advantage of employers, crew members, national authorities and the control bodies.

Ambition

Social partners in inland navigation strongly support the Rhine principle and accordingly believe that the scope of this principle should not remain limited to crew members on vessels engaged in passenger and goods transport on the Rhine and its tributaries. We are convinced that its application to other European inland waterways would be highly beneficial and serve as an active barrier to abuse.

Seeing the growing internationalisation of crews and board personnel it would also add to the attractiveness of employment in the industry, which is a major concern of the European Commission with regard to the NAIADES policy objectives.

Social partners want to ensure social security for workers on board and preventing unfair competition. We annex to this letter the joint sector's position and more detailed motivation as communicated to your services in 2015.

Of course we remain at your disposal, should you wish more information.

Kind regards,



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