



EUROPSKI PARLAMENT

2009 - 2014

Odbor za zapošljavanje i socijalna pitanja

2013/0157(COD)

24.10.2013

NACRT MIŠLJENJA

Odbora za zapošljavanje i socijalna pitanja

upućen Odboru za promet i turizam

o prijedlogu Uredbe Europskog parlamenta i Vijeća o uspostavljanju okvira za pristup tržištu lučkih usluga i financijsku transparentnost luka (COM(2013)0296 – C7-0144/2013 – 2013/0157(COD))

Izvjestitelj za mišljenje: Philippe De Backer

PA_Legam

KRATKO OBRAZLOŽENJE

Commission proposal

With the proposal for a Regulation, the Commission wants to establish a clear framework for access to the market of port services; and insert common rules on the financial transparency and charges to be applied by managing bodies or providers of port services.

The main points in the proposal:

- The freedom to provide services will be applicable to port services.
- Cargo handling services and passengers terminals are exempted from the scope of the Regulation.
- The managing body of a firm can limit the number of service providers, due to space constraints in the port or in case a public service obligation is in place.
- Introducing public service obligations for certain types of port services is still possible.
- Employees' rights should be safeguarded and Member States should have the possibility to further strengthen these rights.
- The introduction of more transparency to help identify misuse of public money or illegal state aid.
- Every port shall set up a port users' advisory committee
- An obligation for the managing body of the port to consult stakeholders is introduced.
- Member States should ensure the existence of an independent supervisory body.

EMPL part of the text

EU ports employ more than 3 million people (directly and indirectly). Growth in port throughput is directly linked with the creation of jobs in surrounding regions.

In the proposal made by the Commission, the parts that are of the competence of the Committee on Employment and Social Affairs (EMPL) are rather limited. There are a few recitals on social rights and a few references in the articles, with Article 10 as the most important article for EMPL.

Position of your rapporteur

The rapporteur welcomes the Commission proposal. The port package saga has been going on for 25 years now, due to the two rejections by the European Parliament in 2001 and 2004. The Communication on the European Port Policy from 2007 was a temporary solution addressing some outstanding issues on the access to the market of port services and financial transparency by means of horizontal instruments and soft measures. There is however a need for European legislation, as the soft measure had little or no impact and the Court of Justice has been consulted regularly. To solve the legal uncertainty that hinders the growth of our ports, your rapporteur believes legislation is necessary.

We need to find a balance between social protection, economic liveability of service providers and competitiveness of the ports. Moreover we have to take into account the international dimension of shipping. Your rapporteur recognizes the difficulties, and thinks that the Commission proposal can be a step in a good direction. As your rapporteur supports the approach of the Commission, he keeps his opinion rather limited.

Freedom of services

The rapporteur is pleased with the proposal from the Commission to introduce the freedom of services for ports services in a legal text. The sector of port services is one of the few sectors of the EU economy in which monopolies and exclusive rights still exist. Experience in other sectors has proven that market opening does work; it creates efficiency as service providers are obliged to perform better to stay in the market. Opening of markets is not a synonym for a race to the bottom; on the contrary, it improves efficiency and allows better services for customers and end-users. Your rapporteur did not propose any change to the article as he supports the Commission text.

Safeguarding employees' rights

Your rapporteur recognizes the danger that workers can face when performing their job in the port area. He is of the opinion that ensuring the safety of employees in ports is of great importance.

The Commission's proposal shall not affect the application of the social and labour rules of the Member States. National law stays in place. Concerning the transfer of staff, your rapporteur supports the idea of keeping the transfer of staff voluntary and respecting Directive 2001/23/EC.

Port labour

The Commission decided not to put forward legislation on port labour regimes in its proposal. However, the Commission will facilitate the sectoral Social Dialogue Committee for ports at Union level by providing technical and administrative support. The negotiations within the Committee have already started. Your rapporteur respects the decision of the Commission and is of the opinion that Social Partners deserve a chance to come up with a solution on port labour related issues. The negotiations should take place in an open and frank atmosphere. The Commission foresees a review in 2016 that will assess the functioning and progress of the European Social Dialogue for the ports sector. Your rapporteur finds that if no agreement is reached by 2016 the Commission should consider whether a legislative proposal on the subject is appropriate, if so, a proposal should be made. It is hereby important to note that the Social Dialogue at Union level supplements the social dialogue at national, local and corporate levels and does not replace those.

AMANDMANI

Odbor za zapošljavanje i socijalna pitanja poziva Odbor za promet i turizam da kao nadležni odbor u svoje izvješće uključi sljedeće amandmane:

Amandman 1

Prijedlog Uredbe

Uvodna izjava 5.

Tekst koji je predložila Komisija

Izmjena

(5) Cilj je članka 56. Ugovora o funkcioniranju Europske unije ukloniti

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ograničenja slobode pružanja usluga u Uniji. U skladu s člankom 58. Ugovora o funkcioniranju Europske unije treba se postići u okviru odredbi glave koja se odnosi na prijevoz, odnosno na članak 100. stavak 2.

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Or. en

Amandman 2

Prijedlog Uredbe Uvodna izjava 5.a (nova)

Tekst koji je predložila Komisija

Izmjena

(5.a) Uspostavljanjem slobode pružanja usluga u lukama pojačava se pravna sigurnost koja poboljšava učinkovitost i funkcioniranje luka te tako stvara pogodnosti za luke, njezine korisnike i države članice. Pravna sigurnost za luke također pozitivno utječe na uvjete rada lučkih zaposlenika.

Or. en

Amandman 3

Prijedlog Uredbe Uvodna izjava 19.

Tekst koji je predložila Komisija

Izmjena

(19) Države članice trebaju zadržati ovlast da osiguraju primjerenu razinu socijalne zaštite za djelatnike poduzeća koje pruža lučke usluge. Ovom se Uredbom ne dovodi u pitanje primjena zakona o radu i o socijalnim pravima u državama članicama. U slučaju ograničenja u broju pružatelja lučkih usluga, kad sklapanje ugovora o pružanju lučkih usluga može promijeniti operatera lučkih usluga, nadležnim se

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tijelima javne vlasti treba omogućiti da zatraže od odabranog operatera usluga da primijeni odredbe Direktive Vijeća 2001/23/EZ o usklađivanju zakonodavstava država članica koja se odnose na zaštitu prava posloprimca u slučaju prijenosa poduzeća, pogona ili dijelova poduzeća ili pogona¹¹.

SL L 82, 22. 3 .2001., str.16.

ugovora o pružanju lučkih usluga može promijeniti lučkog operatera nadležnim se tijelima javne vlasti može treba omogućiti da zatraže od odabranog pružatelja usluga da primijeni odredbe Direktive Vijeća 2001/23/EZ o usklađivanju zakonodavstava država članica koja se odnose na zaštitu prava posloprimca u slučaju prijenosa poduzeća, pogona ili dijelova poduzeća ili pogona¹¹.

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Amandman 4

Prijedlog Uredbe

Uvodna izjava 31.a (nova)

Tekst koji je predložila Komisija

Izmjena

(31.a) Radni odnosi u lukama imaju velik utjecaj na funkcioniranje luka. Stoga sektorski Odbor za socijalni dijalog za luke pruža socijalnim partnerima okvir za određivanje rezultata kad je riječ o organizaciji rada i radnim uvjetima, npr. zdravlju i sigurnosti, stručnom osposobljavanju i stručnoj spremi, politici EU-a o gorivima s niskim udjelom sumpora te privlačnosti sektora mladim radnicima i radnicama. Komisija treba olakšati pregovore i pažljivo ih pratiti. Ako se do 2016. ne postigne jasan sporazum Komisija treba razmotriti mogućnost donošenja zakonskog prijedloga.

Or. en

Amandman 5

Prijedlog Uredbe

Članak 10. – stavak 1.

Tekst koji je predložila Komisija

1.
Ovom se Uredbom ne dovodi u pitanje primjena zakona o radu i o socijalnim pravima **u** državama članicama.

Izmjena

1. Ovom se Uredbom ne dovodi u pitanje primjena zakona o radu i o socijalnim pravima koji su **na snazi u** državama članicama.

Or. en