



Strengthening Social Dialogue in the Process of Structural Adjustment and Private Sector Participation in Ports



TIMETABLE OF NATIONAL TRIPARTITE WORKSHOP – Constanța, Romania 22 – 26 June 2009

	MONDAY		TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:00	Arrival and registration of participants		Representation of the Social Partners and Interest Representation in Participants' Ports	EU Ports Policy: Contemporary Developments	Making Social Dialogue Work	Implementing Social Dialogue
9:15	Introduction: Workshop Programme and Participants' Presentations <i>Marios Meletiou/Peter Turnbull/Participants</i>	9:00	<i>Peter Turnbull/Participants</i>	<i>Peter Turnbull</i>	<i>Peter Turnbull</i>	<i>Peter Turnbull</i>
10:15	Arrival of guests	10:20	<i>Tea/coffee-break</i>	<i>Tea/coffee-break</i>	<i>Tea/coffee-break</i>	<i>Tea/coffee-break</i>
10:30	Opening Session					
11:00	<i>Tea/coffee-break</i>					
11:20	The ILO's Social Dialogue Programme <i>Cristina Mihes</i>	10:40	Social Dialogue in Situations of Structural Change <i>Peter Turnbull</i>	National Port Developments <i>Local Expert(s)</i>	ILO Model of Social Dialogue <i>Peter Turnbull / Marios Meletiou</i>	Monitoring and Evaluating the Process of Social Dialogue <i>Peter Turnbull</i>
12:30	<i>Lunch break</i>		<i>Lunch break</i>	<i>Lunch break</i>	<i>Lunch break</i>	<i>Lunch break</i>
14:00	ILO Activities in the Ports Sector <i>Marios Meletiou</i>					
14:40	The History of Social Dialogue in Ports <i>Peter Turnbull</i>	14:00	Private Sector Participation (PSP) in European Ports <i>Peter Turnbull</i>	Stakeholder Presentations: FEPOR, ETF	Planning for Social Dialogue <i>Peter Turnbull</i>	Mobilizing the Resources Needed for Social Dialogue <i>Peter Turnbull</i>
15:20	<i>Tea/coffee-break</i>	15:20	<i>Tea/coffee-break</i>	<i>Tea/coffee-break</i>	<i>Tea/coffee-break</i>	<i>Tea/coffee-break</i>
15:40	The History of Social Dialogue in Ports <i>Peter Turnbull</i>					
16:20	The New Agenda for Social Dialogue in European Ports <i>Peter Turnbull</i>	15:40	EU Ports Policy: Historical Overview <i>Peter Turnbull</i>	Round Table Discussion: Social Partners	Initiating Social Dialogue <i>Peter Turnbull</i>	Review and Presentations by Government, Employer and Worker Representatives <i>Marios Meletiou</i>
17:30	<i>End of day</i>	17:00	<i>End of day</i>	<i>End of day</i>	<i>End of day</i>	Closing Session / Presentation of certificates <i>End of workshop</i>

EC funded ILO Technical Cooperation Project: “Strengthening Social Dialogue in the Process of Structural Adjustment and Private Sector Participation in Ports in Bulgaria, Croatia and Romania”

National Tripartite Workshop in Romania
22 to 26 June 2009, Constanta, Romania

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MARITIME HARBOR ACTIVITIES IN ROMANIA

SOCIAL DIALOGUE

Abbreviations:

FNSP - National Federation of Harbor Unions

OP - Port Operators Employer Organization

RNA - Romanian Naval Authority

RALD - River Administration of the Lower Danube Galati

MPAC - NC Maritime Ports Administration SA Constantza

ANCC - NC Administration of Navigable Canals Constantza

MDPA - NC Maritime Danube Ports Administration SA Galati

ARSVOM - The Romanian Agency for Human Life Rescue on the Sea

GO – Government Ordinance issued by the Government of Romania

OM - Order of the Ministry of Transport

1. Romanian Maritime Ports

- 1.1. Maritime transport infrastructure in Romania.
- 1.2. The main Romanian Black Sea port, Constantza: organization, form of ownership, operational capacity.
- 1.3. Other Romanian ports participating at the international sea transport of goods.
- 1.4. Inland waterways serving the international sea transport of goods.
- 1.5. Connections to the Pan-European transport infrastructure.
- 1.6. Constantza Port throughput.
- 1.7. Port workers: numerical evolution, union activity.

1.1 Maritime transport infrastructure in Romania is composed of the following elements:

- a) Maritime ports;
- b) River-maritime ports;
- c) Inland waterways.

a) Maritime ports. Along the Romanian Black Sea shore there are three commercial maritime ports: Constantza, Mangalia and Midia. These ports have rail and road connections. Furthermore, they are directly connected with the Danube-Black Sea Canal, which ensures the connection with the Danube, the Poarta Alba-Midia Navodari Canal and indirectly with “Mihail Kogalniceanu” Airport located at 20 km from Constantza.

In accordance with the Romanian legislation in force, maritime and river ports belong to the public domain. There are no concessionaires, only port platform rentals and/or taxes for infrastructure use.

A special feature of Romanian ports is the lack of a monthly/yearly land fee.

Ports are administered by national companies under the authority of the Ministry of Transport. There are a few exceptions, namely Sulina, Turnu Magurele and Zimnicea ports, which are administrated by local authorities.

b) River-maritime ports. In Romania, the Danube River has a length of 1,075 km, approximately 44% of its whole navigable length. The Romanian Danube is divided into two structurally different sectors: the River Danube and the Maritime Danube. Several of the ports situated along the Maritime Danube, namely Galati, Braila, Tulcea and Sulina, allow the access of both river and maritime vessels, so they also serve international sea trade.

c) Inland waterways

The inland waterway network presently has a length of 1,700 km and is comprised of:

- The Danube from Bazias to Sulina;
- Secondary navigable branches of the Danube;
- Navigable canals.

1.2. **The Port of Constantza** is located at the intersection of the trade routes connecting the Western European and Central European developed countries with the raw material suppliers from the Community of independent states, Central Asia and Transcaucasus. It is one of the largest European ports, the main Romanian port and the largest Black Sea port [1] (located between Bosphorus - to the South – at 182 maritime miles and the Danube – to the North - 85 maritime miles from Sulina Canal).

Port area	1,124 ha
Port basins	2,596 ha
Quays length	65 km
Number of berths	145
Maximum depth at:	
-port entrance	20 m
-berth	19 m
-barge operation basins	7 m
Maximum ship capacity	250,000 dwt

Table 1. The main characteristics of the Port of Constantza

Source [1], [2]

The railway network in the Port of Constantza has excellent connections with national and European railway networks. Each terminal has direct access to the railway system. The port railway network is more than 440 km long.

From 1978 the extension of Constantza South Port started, which supposed a 5 km extension of the North breakwater and the building of a new breakwater, 5,560 km long, in the Southern part of the port, thus creating a port area of 3,629 ha and occupying 6.5 km of the sea side.

The Port of Constantza has a road network connected to the national and European road network by the 10 port gates.

The Port of Constantza is connected to the national pipe network, likewise ensuring the connection with the main Romanian refineries.

The Port of Constantza provides for its users a wide range of services such as: traffic control,

pilotage services, towage, mooring/unmooring, electric power and fresh water supply, ship waste collection, fire extinction, depollution.



The Port of Constantza has specialized terminals for general cargo, ores, cereals, chemical products, oil products, Ro-Ro, ferry-boat, construction materials, containers, refrigerated products and bitumen. The new Container Terminal situated on the IInd South Pier, Ro-Ro and ferry-boat terminals allow the developing of short sea shipping which serves the Black Sea and Danube riverside countries.

The Port of Constantza has the status of “port with custom facilities” and it is under continuous development.

1.3. Other Romanian ports serving the sea international transport of goods

1.3.1 **The Port of Mangalia** is located 38 km South of the Port of Constantza and was built with the purpose of reducing the number of small vessels (up to 10,000 dwt) which are operated in the Port of Constantza.

Port area	27.4 ha
Port basins	114.7 ha
Quays length	400 m
Number of berths	2
Maximum depth at berth	9 m
Maximum ship capacity	10,000 dwt

Table 2. The main characteristics of the Port of Mangalia

Source [2]

In the Port of Mangalia general goods are operated and the port also counts with a wide range of port services such as: pilotage, towage, mooring/unmooring, electric power and fresh water supply, ship waste collection, fire extinction, depollution.

1.3.2. The **Port of Midia** is located 25 km N of the Port of Constantza.

Port area	213.74 ha
Port basins	567 ha
Quays length	1,415 m
Number of berths	7
Maximum berth depth	9 m

Table 3. The main characteristics of the Port of Midia

Source [2]

Initially, the port was built to serve the adjacent industrial and petrochemical platforms. In this port packed chemical substances, petrochemical products and living animals can be operated. In the port there is also a berth for fishing boats.

In the Port of Midia the following services are available for the operators: pilotage, towage, mooring/unmooring, electric power and fresh water supply, ship waste collection, fire extinction.

1.3.3. River-maritime ports

a) **The Port of Braila** is a river-maritime port located on the Danube at km 170. The port has access to the road and railway transport network. There can be operated both bulk and general goods. In the Port of Braila there is a ferry line for cars and passengers, between the left and the right bank of the Danube.

	Old Port	Basin Docks	Downstream Docks
Quays length	2,200 m	2,025 m	650 m
Maximum depth at berth	-	8 m	-
Maximum ship capacity	6,600 dwt	8,750 dwt	6,500 dwt

Table 4. The main characteristics of the Port of Braila

Source [2]

b) **The Port of Galati** is a river-maritime port located on the Danube at km 150, Mm81. The Port of Galati is the largest Romanian Danube port. It is comprised of: the Mineral Port, the Commercial Port, the Port Docks and New Basin Port.

	Mineral Port	Commercial Port	Port Docks	New Basin Port
Port platform	44,380 sqm	8,220 sqm	38,100 sqm	167,730 sqm
Quays length	2,000 m	1,677 m	1,365 m	1,980 m
Number of berths	1 - 16	7-21	23-33	36-50
Minimum depth at berth	4 – 7.3 m	3.5 m	6.5 m	6 m
Maximum ship capacity	25,000 dwt		8,000 dwt	8,000tdw

Table 5. The main characteristics of the Port of Galati

Source [2]

The port has access to the road and railway network. Operators are provided with pilotage, towage, electric power and fresh water supply and ship waste collection services. A wide range of goods can be operated here. In the Port of Galati there is a ferry line for cars and passengers, between the left and the right bank of the Danube.

c) The Port of Tulcea is a river-maritime port located on The Danube at km 71 (Mm 38.5).

Port platform	25,600 sqm
Quays length	2,250 m
Number of berths	1-2, 24-51, 70
Minimum depth at berth	3.50 m.
Maximum ship capacity	25,000 dwt

Table 6. The main characteristic of the Port of Tulcea

Source [2]

The port has access to the road and railway network. Bulk goods can be operated here.

d) The Port of Sulina is a river-maritime port located on Sulina Canal, km 0, close to the river mouth where the Danube flows into the sea. General goods can be operated here.

Berthing length	2,126 m
Maximum berth depth	3 m
Maximum ship capacity	8,750 dwt

Table 7. The main characteristics of the Port of Sulina

Source [2]

1.4. Inland waterways serving the international transport of goods

1.4.1 The Danube. The **Maritime Danube**, from Braila (km. 171) to Sulina roadstead, with a total length of approx. 180 km, represents a waterway which ensures the access of maritime ships of less than 25,000 dwt in the Romanian ports of Sulina, Tulcea, Galati and Braila and in the Ukrainian ports of Ismail and Reni. On this sector Romania has the obligation of ensuring depths of 7.32 m (24 feet) and widths of 150-180 m, and on Sulina Canal of 60 m, according to the Danube Commission Recommendations. The Maritime Danube comprises the following sectors:

- The Sulina Canal with a length of 71.5 km from Sulina roadstead to Ceatal Sf. Gheorghe (Mm. 34.75).
- Tulcea Branch with a length of 15.3 km from Ceatal Sf. Gheorghe (Mm. 34.75) to Ceatal Ismail (Mm. 42.75).
- The Danube from Ceatal Ismail (Mm. 42.75) to Braila (km. 171), 92.2 km long.

Minimum fairway clearance	Km.170 – km.63 (m.)	Km. 63 -km.0 (m.)
Fairway width	150 - 180	60
Fairway depth	7.32 (24')	7.32 (24')
Cable height clearance (at HNN)	48	48
Fairway curve	1,000	1,000

Table 8. The Maritime Danube Km 170 Braila – Km 0 Sulina

Source[2]

These navigation clearances correspond to the VIIth category of inland waterways, according to the European classification (CEMT, CEE/UNO).

1.4.2 Navigable canals. Navigable canals are artificial waterways with a total length of 97 km which ensure the connection between the Danube and Constantza South maritime ports, Agigea and Midia, as follows:

Danube - Black Sea Canal has been open for navigation since 1984. Apart from being a navigable canal, it also ensures the necessary water for irrigations and fresh and industrial water supply. This canal offers a shorter and cheaper alternative transport route to Central Europe than the ones which use the ports in Northern Europe.

No.	Technical characteristics	Danube-Black Sea Canal
1.	Total length	64.4 km
2.	Width (bottom of transversal section)	min. 90 m
3.	Maximum depth	7.0 m
4.	Draught (current)	5,5 m
5.	Double locks (twins locks)	2 (Agigea and Cernavodă)
6.	Maximum boat convoy (barges)	18,000 t
	- number of barges	6 x 3,000 t
	- maximum length	296 m
	- maximum width	22.8 m
	- draught	3.8 m
7.	River – maritime ships	5,000 dwt
8.	Importance class of inland waterway (according to CEE – ONU classification)	Class VI
9.	Number of inland ports	2

Table. 9 The main characteristics of the Danube-Black Sea Canal

Source [2]

Poarta Alba - Midia-Navodari Canal, which splits from the Danube - Black Sea Canal at km 35, has a total length of 33 km and ensures the river access to the Ports of Midia and Luminita.

No.	Technical characteristics	Poarta Albă – Midia Năvodari Canal
0.	1.	2.
1.	Total length	(27.5 + 5.5) km
2.	Width (bottom of transversal section)	36 – 50 m
3.	Maximum depth	5.5 m
4.	Draught (current)	4.5 m
5.	Double locks (twins)	2 (Ovidiu and Năvodari)
6.	Maximum boat convoy (barges)	3.000 to
	- number of barges	1 x 3.000 to
	- maximum length	120 m
	- maximum width	11,5 m
	- draught	3,8 m
7.	River – maritime ships	2.000 dwt
8.	Importance class of inland waterway (according to CEE – ONU classification)	Class V
9.	Number of inland ports	2

Table 10. The main characteristics of the Poarta Alba-Midia Canal

Source [2]

1.5 The connection to the Pan-European transport infrastructure

The Port of Constantza has an advantageous geostrategic position, being located at the intersection of the Pan-European Transport Corridor no. IV (road and railway) with the Pan-European Transport Corridor no. VII which connects the North Sea to the Black Sea by the Rhine-Main-Danube Canal, thus linking the two European trade poles, Rotterdam and Constantza and creating an inland waterway transport from the North Sea to the Black Sea. In the Southern part of the port, Constantza has a river area, which makes it a river-maritime port.

Thus, the Port of Constantza could become the main access waterway for the European Corridor Europe-Asia TENT-T 18: Rhine-Meuse-Main-Danube, the inland navigable waterway axis. The navigation conditions on TEN-18 will be improved on Calarasi-Braila sector, as well as on the Romanian-Bulgarian common sector.

1.6 Goods traffic in the Port of Constantza

The historic maximum reached in 1988 by Port of Constantza traffic is of 63 million tons. It is noticed that in the years mentioned bellow this value has not been reached any more. Considering the first 9 months of 2008 it is estimated that this year the 65 million tons value will be exceeded and consequently a new maximum will be established.

Categories of operated goods [thousands of tons]	2000	2001	2002	2003	2004	2005	2006	2007	2008*
Solid bulk goods	18,982	15,264	20,481	20,977	26,098	15,484	27,619	24,735	21,907
Liquid bulk goods	6,382	10,046	10,966	9,986	12,979	31,144	14,681	14,010	10,730
General goods	6,739	7,406	7,756	10,380	7,479	6,600	5,011	6,394	3,874
Cargo goods	1,001	1,086	1,321	1,879	3,878	7,404	9,815	12,643	9,740
Total	33,104	33,802	40,524	43,222	50,434	60,632	57,128	57,783	46,252

Table 11. Categories of operated goods in the Romanian maritime ports

Source [4]

*The figures concern the first 9 months of the year

Total maritime / river traffic	2000	2001	2002	2003	2004	2005	2006	2007	2008*
Maritime	23,821	26,005	30,751	33,441	38,873	46,512	45,106	47,036	37,742
River	9,283	7,797	9,773	9,781	11,561	14,120	12,022	10,746	85,099
TOTAL	33,104	33,802	40,524	43,222	50,434	60,632	57,128	57,783	46,252

Table 12. Total river/maritime traffic

Source [4]

*The figures concern the first 9 months of the year

River-maritime ports have been used especially to serve the local economy, therefore the transported goods belong to specific categories:

- For Tulcea Port: raw mineral products (from quarry and ballast-pit, plaster, slag, salt), non-ferrous minerals and solid fuels;

- For the Port of Galati: minerals, ferrous and non-ferrous products; the import predominates;
- For the Port of Braila: mineral products, natural and chemical fertilizers.

(thousands of tons)

GALAȚI		Transported amount				
Transport category	Year	2003	2004	2005	2006	2007
Maritime Transport		1418.946	1188.823	1165.771	1161.873	1628.610
Number of maritime ships		612	554	542	470	548
River transport		7552.541	8342.073	9379.918	8528.736	8429.856
Number of river ships		4036	4141	4722	4587	4614

Table 13. Amounts of operated goods in the river-maritime Port of Galati

Source [5]

It can be noticed that the Port of Galati remains mostly a river port, because maritime transport does not represent more than a quarter of its whole activity. The port platform Galati is made of several areas accessible to maritime ships: the Mineral Port, the Port Docks, the New Basin Port, since 2006 UNICOMOIL Terminal and since 2007 the maritime Commercial area. The maritime traffic splitted according to this platform is as follows:

GALAȚI		Transported amount/number of ships (thousands of tons)				
Port platform	Year	2003	2004	2005	2006	2007
Mineral Maritime Port		412.551	313.888	235.224	394.149	876.138
Number of ships		165	132	104	136	245
Docks Maritime Port		307.478	293.975	282.029	161.901	172.780
Number of ships		141	144	140	91	84
New Basin Maritime Port		698.917	580.960	648.518	496.451	507.715
Number of ships		306	278	298	196	192
UNICOM OIL Terminal		—	—	—	102.729	67.907
					45	25
Commercial Maritime Port		—	—	—	—	4072
						2

Table 14. Amounts of goods operated on the platforms of the river-maritime Galati Port Source [5],[6]

BRAILA		Transported amount (thousands of tons)	
Transport category	2006	2007	
Maritime transport	266.787	257.033	
Number of maritime ships	95	102	
River transport	730.985	913.597	
Number of river ships	711	795	

Table 15. Goods traffic in the Port of Braila

Source [5], [6]

TULCEA		Transported amount (thousands of tons)				
Transport category	2003	2004	2005	2006	2007	
Maritime transport	206.401	180.254	64.787	21.609	26.378	
Number of maritime ships	69	57	22	8	16	
River transport	1162.681	1949.294	1832.845	1580.672	231.666	
Number of river ships	766	1173	1071	869	474	

Table 16. Good traffic operated in the river-maritime Port of Tulcea

Source [5], [6]

Starting from the year 2000 several studies have been conducted with the purpose of estimating the impact of Romanian maritime ports on the economy of Constantza country. The studies were financed in the period 2000-2004 by the German Agency for Technical Cooperation (GTZ), and from 2005 they have been financed by MPAC. Since the data in the Romanian Statistic Year-book appear with delay, at present time these studies are conducted for the year 2006. The

estimations are made with the MARAD PORTKIT soft, implemented by the USA Maritime Administration. For a better understanding of the importance of maritime ports for the local economy, the main results are presented as follows:

Direct Impact	2000	2001	2002	2003	2004	2005
Turnover [\$]	373,765,709	276,008,610	354,712,142	534,472,609	698,342,221	1,055,679,547
Number of employees [people]	31,356	24,159	21,777	25,966	26,696	28,453
Employee income [\$]	62,511,113	60,158,193	68,895,697	98,115,632	113,989,104	152,785,186

Table 17. Direct economic impact of maritime ports.

Source [3]

Secondary Impact	2000	2001	2002	2003	2004	2005
Turnover [\$]	308,897,280	367,091,450	471,767,149	582,575,143	761,193,021	1,147,523,668
Number of employees [people]	27,031	19,804	19,321	20,253	20,823	21,567
Employee income [\$]	32,600,789	26,402,272	26,118,211	31,683,598	31,683,598	73,371,504

Table 18. Secondary economic impact of maritime ports

Source [3]

Total	2000	2001	2002	2003	2004	2005
Turnover [\$]	682,662,990	643,100,060	826,479,290	1,117,047,752	1,459,535,241	2,203,203,215
Number of employees [people]	58,388	43,963	41,098	46,219	47,518	50,020
Employee income [\$]	95,111,902	86,560,465	95,013,908	129,799,230	145,672,702	226,156,690

Table 19. TOTAL economic impact of maritime ports

Source [3]

Percentage from the county economy [%]	2000	2001	2002	2003	2004	2005
Turnover	30.0	27.7	30.2	23.0	21.8	25
Average number of employees	34.3	25.5	23.8	27.3	27.0	28.8
Employee income	43.7	35.4	34.2	40.3	36.0	32.9

Table 20. Total impact on the county economy [%]

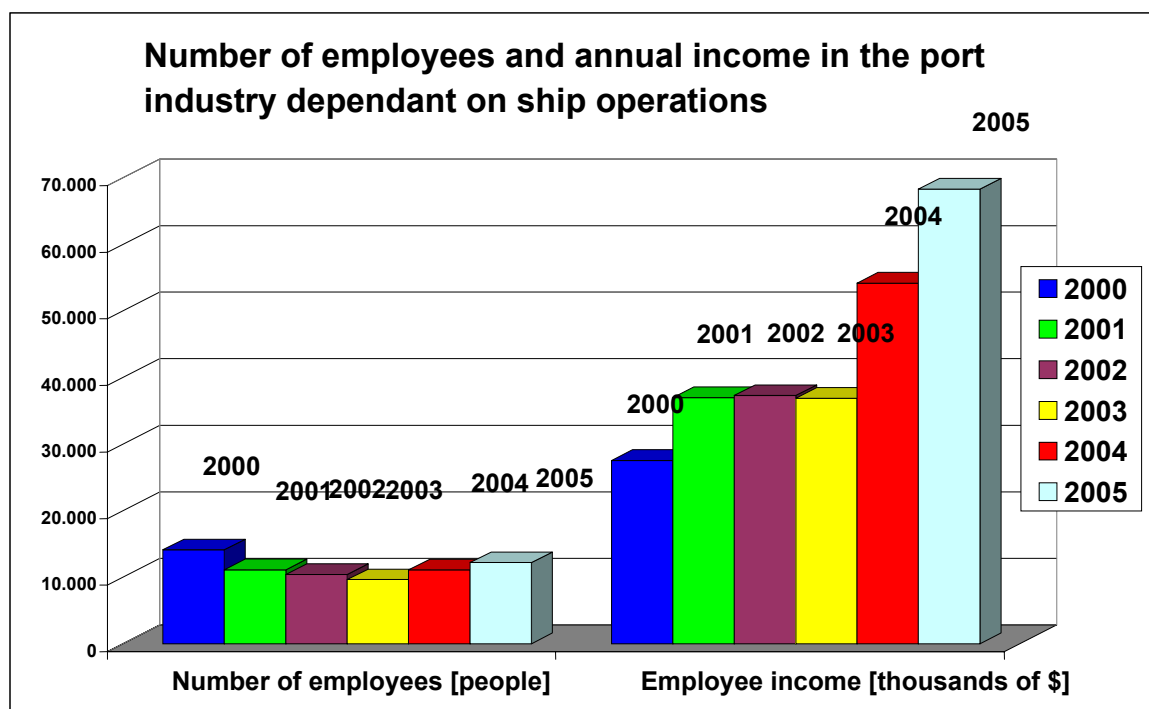
Source [3]

1.7. Port workers – numerical evolution

Workplaces directly generated by maritime ports consist in the workplaces necessary for the transport of goods on road and railway from the producer to the receiver and maritime terminals, ship agents, forwarder agents or port operators, etc. In addition to these workplaces, in the direct workplace category workplaces in the port economic sectors which are not connected to the logistic chain of transport (shipyards, hydrotechnical constructions, additional services) can be also included. It needs to be emphasized that these are classified as being directly generated, in the sense that these workplaces would not be permanent if the activity of the maritime port Constantza were stopped.

Induced workplaces are those workplaces which have been generated within the local economy due to the fact that people, directly employed by the port industry or by port users, spend

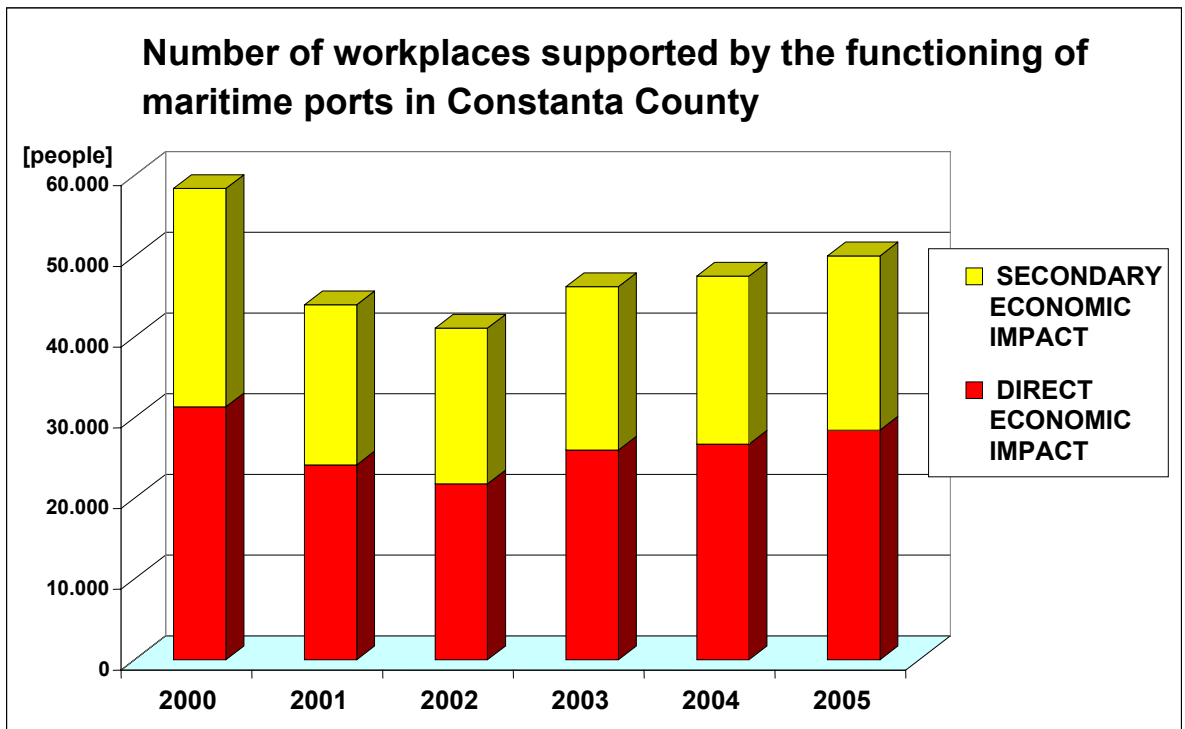
their income locally on goods and services such as food, clothes and house maintenance. These workplaces are held by local residents.



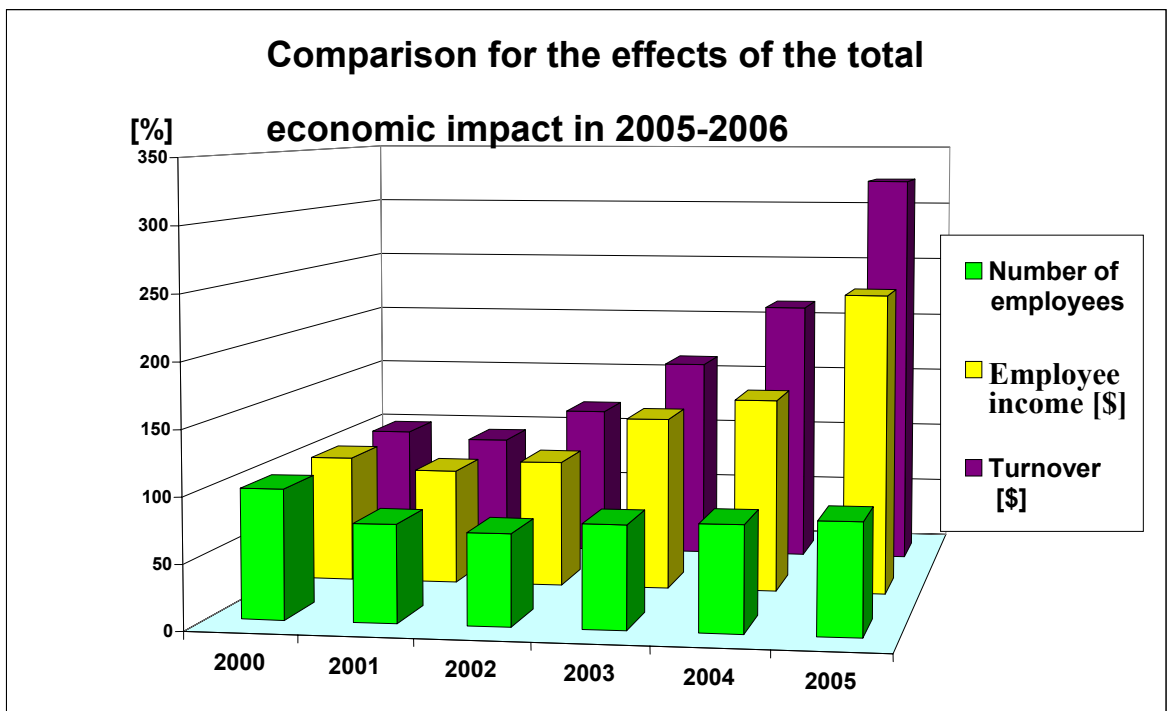
Number of employees [people]	2000	2001	2002	2003	2004	2005
Direct Economic Impact	31,356	24,159	21,777	25,966	26,696	28,453
Secondary Economic Impact	27,031	19,804	19,321	20,253	20,823	21,567
Total Economic Impact	58,388	43,963	41,098	46,219	47,518	50,020
Constanta	170,041	172,582	172,527	169,267	176,263	173,762
Total Impact Economic [%]	34,3	25,5	23,8	27,3	27,0	28,8

Table 21. The number of employees in the port industry dependant on ship operation [Source 4]

It can be noticed that during the analyzed period the number of workplaces dependant on port activities in Constantza County has doubled compared to the number of workplaces directly generated from port activities and represents a third from the total number of workplaces in the county. This obviously leads to the conclusion that port platforms bring a great income to the economy of the county.



In 2000 the income generated directly or indirectly by port and maritime transport activities represented 45% from the total income obtained in Constantza County. In 2005 this balance changed to 33%. This is due both to the improving of the wage scale in other fields and to the break out of the taxation system of an important category of port workers.



2. Institutional organization in the naval transport field

The state authority for maritime transport is the Ministry of Transport. Under its subordination or coordination there are a series of public institutions, autonomous companies and national companies with the role of authorities in the field and sector in which they function.

Short history

The first settlements and relatively modern facilities date from 1897, when the Turkish authorities concessioned the building of the Port of Constantza and of Cernavoda - Constantza highway to the English company "Danube and Black Sea Railway and Kusdenje Harbor Company Ltd.". After the Independence War in 1878, Dobrogea is returned to Romania. Within the preoccupations for the building of a port which was to fructify the strategic position of Constantza, it is worth mentioning:

- The port leadership belonging to the General Company of Romanian Railways (1883);
- The establishment of the maritime navigation service (January 9, 1888);
- The inauguration of the construction and modernization works of the Constantza Port;
- The official inauguration of the Port of Constantza (September 27, 1909);

Following 1910, the institution has had, in turn, the names: The Service of Maritime Ports (SPM), the Direction of Maritime Ports Service (SPM) and the Direction of Maritime Ports (DSPM).

On August 2, 1929, the Autonomous Company of Ports and Waterways (PCA) is established, which takes into exploitation and administration waterways, ports, adjacent ships and all types of installations.

Following 1950, the leadership of ports activities was ensured by the Romanian Maritime Navigation Company – NAVROM (DNM-NAVROM) which succeeded to the PCA Regional Autonomous Company. This complex company was active in three main directions: fleet exploitation, port exploitation and international expeditions. On December 1, 1976 the Company of Port Exploitation Constantza is established by the organization of the port exploitation sectors of NAVROM.

On July 17, 1978 the position of sole commander of the Port of Constantza is established under the subordination of the Naval Transports Department within the Ministry of Transports and Telecommunications. Starting with March 1, 1991 the Port of Constantza Administration, abbreviated as A.P.C, is established.

On 1998 the National Company "Constantza Maritime Ports Administration" S.A., is established, being structured in four departments with branch status, namely:

- Port Communication Branch;
- Electric power redistribution Branch;
- Port services Branch;

- Technical vessels Branch.

In 2003 National Company “Constantza Maritime Ports Administration” S.A. is established as a share company with full state capital.

The National Company “Maritime Ports Administration” SA Constantza has the status of port authority in the Ports of Constantza, Midia, Mangalia and Tomis. On October 10, 2004 the fifth department is added to the already existing four, namely the “Branch of free zones Constantza South and Basarabi”.

On September 19, 2007 by G.D. no 574/2006, the National Company “Maritime Ports Administration“ SA Constantza was included in the list of companies, which will be admitted to deal at “Bucharest Stock Exchange” S.A. On November 2, 2008 a block of 1,369,125 shares with free title owned by the state at the National Company “Maritime Ports Administration” S.A. Constantza was transferred to the Local Council of Constantza Municipality.

2.1 RNA - Romanian Naval Authority

2.2 RALD - River Administration of the Lower Danube Galati

2.3 MPAC - NC Maritime Ports Administration SA Constantza

2.4 ANCC - NC Administration of Navigable Canals Constantza

2.5 MDPA - NC Maritime Danube Ports Administration SA Galati

2.6 ARSVOM - The Romanian Agency for Human Life Rescue on the Sea

2.1 Romanian Naval Authority (RNA) Constantza organized as a self-financed public institution is a state authority for civil navigation concerning navigation safety. It functions through its headquarters in Constantza, by 5 territorial naval authorities (Constantza, Tulcea, Galati, Giurgiu and Drobeta Turnu Severin) and by the harbor master’s offices. Main attributions:

- Fulfilling the state obligations derived from the international agreements and conventions to which Romania is part, regarding the Romanian Naval Authority field of activity;
- Navigation inspection, control and surveillance;
- Flag state control and port state control;
- Coordination of assistance, search and rescue activities in the national waters and of the actions in case of natural calamities and maritime casualty.
- Protection of navigable waters against ship pollution;
- Sanctioning contraventions, investigation of events and maritime accidents;
- Registering and recording of the ships under Romanian flag;
- Recording, certifying and licensing sailing personnel;
- Technical surveillance, classification and certification of ships;
- Represents the Romanian state in international organizations in the field of maritime transport, based on a mandate given under the Romanian legislation;
- Fulfills all specific attributions established by order of the minister of transport.

2.2 River Administration of the Lower Danube Galati, organized as an autonomous company functions as an authority of inland waterways, on the Romanian Danube River sector, from the country entrance at km. 1075 to its flowing in the Black Sea through Sulina Canal. RALD Galati has the following tasks:

- ensuring the minimum navigation depths by dredging maintenance;
- ensuring the coastal and floating signalization;
- topo-hydrographic measurements;
- works of construction and repairing of hydrotechnical constructions to ensure the navigation conditions;
- ensuring the pilotage of maritime ships on the maritime Danube sector;
- putting at the disposal of operators the naval transport infrastructure;
- fulfilling the obligations of the Romanian state derived from the international conventions and agreements of which it is part and which have been entrusted by means of competence delegation issued by the Ministry of Transport.

2.3 NC Maritime Ports Administration SA Constantza is organized as a National Company and is the port authority for the maritime Constantza, Mangalia and Midia Ports. Its main attributions:

- coordination of the activities developed in maritime ports;
- maintenance and reparation of the concessioned port infrastructures;
- carrying the safety services in the ports: pilotage, towage, mooring/unmooring;
- putting the port infrastructure at the disposal of the operators;
- ensuring the coastal and floating signalization in maritime ports and wide sea;
- ensuring the maintenance dredging in the ports;
- taking over the residues and bilge water from ships;
- keeping the evidence of port workers;
- implementation of programs for the port infrastructure development.

2.4 NC Administration of Navigable Canals Constantza functions as a National Company and is the port and inland waterway authority on the Danube- Black Sea Canal and Poarta-Alba – Midia-Navodari Canal as well as in the ports situated on the two canals. Its main attributions are:

- Exploitation, maintenance, modernization of navigable canals, of locks (Cernavoda, Agigea, Ovidiu, Navodari) and of the ports of Medgidia, Basarabi, Ovidiu and Luminita;
- vessel traffic management on the canal and in the ports;
- putting the port infrastructure at the disposal of the operators;
- pilotage on the two canals (pilotage is not compulsory);
- carrying on the safety services in the ports: pilotage, towage, mooring/unmooring;
- sample prelevation and water quality testing;
- exploitation and maintenance of pump stations.

2.5 NC Maritime Danube Ports Administration SA Galati functions as a National Company and is the port authority in the ports situated on the Danube River between Sulina and Harsova, with the exception of Sulina port.

Its main attributions are:

- coordination of the activity in the ports of Galati, Braila, Tulcea, Isaccea, Macin, Chilia Veche, Mahmudia, Smardan, Harsova, in the working points (Gura Arman, Turcoaia) and in the docks from Crisan, Maliuc, Gorgova, Partizani and Babarada;
- maintenance and repairing of port infrastructures;
- carrying the safety services in the ports;
- fixed and floating signalization in the ports under its administration;
- dredging maintenance in the ports;
- taking over residues and bilge waters from the ships;
- holding the evidence of port workers.

Its activity is done through the Galați headquarters and Brăila and Tulcea Branches.

2.6 The Romanian Agency for Human Life Rescue on the Sea (ARSVOM), with the headquarters in Constantza, is organized as a public institution and has the following attributions:

- Fulfilling state obligations derived from the international agreements and conventions to which Romania is part concerning life protection at sea and search and rescue on the sea;
- fulfilling of tasks from the National Plan of Preparedness, Response and Cooperation in the eventuality of sea pollution;
- ensuring the operations of search, assistance and rescue;
- interventions in case of pollution.

CERONAV (Romanian Maritime Training Center), with the headquarters in Constantza, is a public institution which ensures the preparation and training of the personnel serving naval transport means or carrying on naval transport activities, connected or auxiliary activities.

CERONAV ensures the theoretic and practical preparation of ship personnel in accordance with the Romanian legislation in this field and with the European legislation concerning sailing personnel, the profession of goods transporters on inland waterways, safety advisors for dangerous goods transport on inland waterways, chartering types and transport price setting as well as other aspects of maritime transports for which there are standards regarding the level of knowledge, according to the legislation in force.

As stated in the previous presentation, the authorities with attributions in the field of labor force are:

- 1) **The Romanian Naval Authority (ANR)**, recording, attesting and licensing the ship personnel;
- 2) **NC Maritime Ports Administration S.A. Constanta**, recording port workers;
- 3) **NC Maritime Danube Ports Administration S.A. Galati**, recording port workers.
- 4) **CERONAV**, ensuring the preparation and training of ship personnel or personnel carrying on naval transport activities, connected and auxiliary activities.

3. Governmental port policy

3.1 Port infrastructure

3.1.1 The technical state of the port infrastructure

The maintenance of port infrastructure at normal technical parameters requires the reconditioning of resistance beams and of stone prisms, stripping and reconditioning of stone packing, stone nish supplementation for holding the access gangways, consolidation of mooring bitts and the assembly of damping systems for ship mooring, lifting of exhaust mouths and of pluvial mouths on port platforms. The funds necessary for the reparations and maintenance of port infrastructure are exclusively ensured from the own funds of national companies.

3.1.2 Maintenance and reparation works

Maintenance and reparation works concern on the one hand current works and on the other hand the necessary works for bringing the infrastructure at normal parameters.

The necessary funds for the above mentioned works are:

- For maritime ports – 1MEUR/year
- For river-maritime ports – 4MEUR/year
- For navigable canals – 12 MEU/year
- For inland waterways – 10 MEUR/year

Taking into account the fact that the incomes of the port, inland waterways and navigable canals administrations do not cover the necessary funds for the works mentioned above, they will be ensured both from their own sources and from the state budget and foreign sources.

3.1.3 Investment works

Investment works generally concern the development and modernization of the existent naval transport infrastructures, the creation of a new infrastructure, proper for the new transport requirements and the elimination of navigation bottlenecks.

In agreement with the above mentioned, the following investments are considered necessary:

The Port of Constantza

Southwards Port, Duty-Free Area:

- The extension with 1 km of the breakwater in the Port of Constantza – amount 70 MEUR, 2005-2015. There are no financing sources. Finalization of the breakwater is necessary for the stopping of wave propagation through the port entry mouth, left unprotected, which creates dysfunctions in the port activity.
- Rock-breaking dredging works in the Port of Constantza of 1.2 MEUR, state budget and own sources. These works are necessary to bring the Port of Constantza to the parameters for which it was designed.

Pier on the North breakwater - amount 2.665 MEUROS, state budget and own sources, necessary to obtain a continuous mooring front, with a total length of 320 m at the depth of 13.5 m.

Arrangement of the waiting basin for river ships in the river zone of the Port of Constantza – Barge Terminal – 24.9 MEUR 2005-2007. The investment objective is necessary for the activation of the area in view of ensuring a traffic of 11,300 barges/year (2,260 convoys) which means 17 million tons of goods/year. The financing will be ensured from EBRD loan – 16 MEUROS and the difference from own funds or drawing sources. The amounts for these are:

Cereal Terminal in the Port of Constantza – 105 MEUR

Liquefied gases Terminal in the Port of Constantza – 37 MEUR

Oil Terminal in the Port of Constantza – 107 MEUR

The touristic port of Tulcea

- Modernization of the passenger terminal in Tulcea – amount 3.6 MEUR – state budget,
- Tulcea Port Marina – amount 6.4 MEUR. The works are necessary for the construction of a new basin with a total surface of approx 25,500 sqm in order to allow the floating mooring of the pleasure boats, construction of a quay along the Danube with a length of approx 225 m and several different constructions necessary for these specific activities.

The Port of Galati

Container Terminal in the Port of Galati – amount 1.5 MEUR

Modernization of berths 34-45 in the New Basin Port Galati. The realization of this project is made in two stages:

- Stage I: modernization of berths 35-38, 3.2 MEUR.
- Stage II: modernization of berths 39-45 New Basin Port, 2007-2012.

3.2 Port development projects

In the port field, the development plan elaborated until 2020 contains a series of projects with different financing sources.

3.2.1 Financed from the state budget

1. The development of rail capacity in the Port of Constantza South, stage I. Following the development of operation capacities in the Port of Constantza South (container terminal, cereal terminal) and of traffic increasing, the development of the rail system in the area has become a necessity. The project consists in the establishment of three reception – dispatch electrified track, 6 maneuver lines, a marshalling yard which will serve the South Pier no. II and the adjacent couplings.

Project value: 68,522 thousand lei.

Beneficiary: NC Maritime Ports Administration SA Constantza

2. The Danube – Black Sea Canal. When navigation on the Danube-Black Sea Canal was open in 1984, the minimum works necessary for the development of naval traffic were made. The works being left unfinished, the rocks' nature, the influence of hydrometeorological factors (wind, rains, snows) and frozen-unfrozen repetitive cycles, may produce earth flow, landfalls, with major effects

on the banks stability, which can lead to a fairway obstruction with materials detached from slopes and transported into the canal, and also to a deterioration of the already executed works. Presently are carried works within allocated state budget limits. By ISPA financing the feasibility study will be remodeled.

Value: 334.25 MEURO

Beneficiary: NC Navigable Canals Administration SA Constantza

3. Container Terminal in the Port of Galati – infrastructure works. Presently, the port complex of Galati has specialized areas for the river-maritime traffic of general mass goods, finite metal products, timber, cereals and fuels. In recent years the transport of container goods has greatly developed and on the Romanian sector of the Danube there is no specialized container terminal. With this project, the infrastructure of a container terminal will be realized and the operation equipments will belong to a private port operator.

Value: 7,829 thousand lei

Beneficiary: NC Maritime Danube Ports Administration SA Galati

3.2.2 Financed directly by the companies

1. The Port of Constantza South – the access zone for the ships on the Danube – Black Sea Canal. The barge terminal in the Port of Constantza. An important element of traffic in the Port of Constantza is represented by the goods transported on the Danube, which go in and out of the port by the Danube-Black Sea Canal.

Value: 24.6 MEUR of which: 16 MEUR EBRD, 7.87 MEUR own funds NC MPAC, 0.53 MEUR grant from the Netherlands Government.

Beneficiary: NC Maritime Ports Administration SA Constantza

3.2.3 Project proposals for the Transport Sectorial Operational Programme (SOP-T)

1. Infrastructure for Pier III S Constantza

The completion of the Pier III S leads to the building of 6 new berths, where large capacity ships can operate. The finalization of adjacent territories behind these berths would lead to the establishment of a new surface of land of approx. 23 ha which could be rented for the development of a specialized terminal. To this surface another of approx 14 ha can be added, situated at the root of the Pier III S if the fillings until the South breakwater will be built. From this surface, approx 11 ha can be rented together with the 23 ha and the rest of 3 ha adjacent to the South breakwater are necessary for the development of the railway system. In addition, new infrastructure works must be done, such as roads, railway couplings and utility networks.

Value: 67 MEUR

Period: 2009-2011

Beneficiary: NC Maritime Ports Administration Constantza

2. Systematization of the river-maritime area. In the area of the river-maritime sector of the Port of Constantza the infrastructure works have not been finalized and the present activities are focused only on the North and South extremity of these areas. The purpose of this project is the finalization of the territories in the river-maritime port area and its parcel. Following the works executed through this project, the total systematized surface is of approx 1,656,200 sqm, of which 1,186,048

sqm are represented by the total surface of the parcels that could be rented, the rest of the land being occupied by roads and utility networks.

Value: 116.5 MEUR

Period: 2008-2011

Beneficiary: NC Maritime Ports Administration SA Constantza

3. Dredging for the deepening of the Constantza Port basins at the designed quotas – investment dredging, areas which need rock-breaking. In the Port of Constantza berths for ships up to 165,000 dwt there have been considered necessary. That is why the depths designed must be achieved, not only those from the berths but also those afferent to the adjacent basin and the access fairway. The depths designed for the port basins were realized by dredging. The bottom land of the basins is sandy, clayey or chalky. Based on the hydrographic measurements there were determined the real quotas of the basin bottoms, in the areas where the dredging has not been finalized yet. In order to ensure the designed depths an investment dredging volume, rocks - breaking respectively, of approx 600,000 cubic meters is necessary.

Value: 40 MEUR

Period: 2009-2011

Beneficiary: NC Maritime Ports Administration SA, Constantza

4. The Port of Constantza South. Bridge over the connection Canal in the river-maritime area and junctions with the port inland and exterior road network

Within the investment “Port of Constantza South. The access zone for the ships on the Danube – Black Sea Canal. The barge terminal in the Port of Constantza” there has been considered necessary the building of a bridge which would ensure the connection between the river-maritime area and the “island”. The execution works for this bridge started before 1989 but have been ceased after 1990. The project continuation for the works regarding the bridge over the connection canal and the building of the junction roads represent a vital necessity for the development of the island and of the area situated West of the river-maritime basin. On these investments depends the development of the “Island” which, in terms of potential, represents as much as the Port of Constantza North.

Value: 36.2 MEUR

Period: 2009-2011

Beneficiary: NC Maritime Ports Administration SA Constantza

3.2.4 PHARE funds

1. Acquisition and installation of DGPS and A1 VHF-DSC base station for the Romanian Black Sea shore. The acquisition of a DGPS (Differential Global Positioning System) station is necessary for navigation safety increase in maritime waters and on inland waterways. The A1 VHF-DSC base stations are also necessary to ensure the service for calling and rescue in the Black Sea, by listening to the signal transmitted by ships 24/7.

Value: 0.55 MEUR (75% PHARE and 25% state budget)

Period: 2008-2009

Beneficiary: RADIONAV Constantza

2. The development of an automatic identification system for ships sailing in Romanian waters – AIS. The AIS system (Automatic Identification System) ensures the exchange of static data (ship dimensions) and dynamic data (speed, course) between the authorities and the ship. In order to complete the system already owned by Romania and to cover Romania's entire area of responsibility it is necessary to purchase 4 base stations, which are to be installed in Constantza, Mangalia, Enisala/Sf. Gheorghe and Petromar platform.

Value: 0.5 MEUR (75% PHARE and 25% state budget)

Period: 2008-2009

Beneficiary: The Romanian Naval Authority

3.2.5 Financing from the European Regional Development Funds (ERDF)

1. Road bridge at 0+540 km of the Danube – Black Sea Canal and works related to road infrastructure and access into the Constanta Port. The works consist in the building of a bridge over the Danube - Black Sea Canal and of roads, platforms and gangways related to the bridge. The project is necessary in view of connecting the Port of Constantza to Bucharest-Constantza highway and to insure a direct connection between the Northern and the Southern areas of the Port of Constantza.

Value: 30 MEUR, FEDR and state budget

Period: 2008-2011

Beneficiary: NC Maritime Ports Administration SA Constantza

2. Development of rail capacity in the river-maritime area. The project consists in the realization of a systematized rail complex (marshalling yard) in the river-maritime sector for the appropriate and unitary use of present and future port operators. The marshalling yard will have 3 rail lines for receiving trains from the Romanian Railways Company (CFR) network, 12 lines of sorting/maneuver of wagons for their separation in function of port operators served and two lines for inspection and wagon repairation.

Value: 18.7 MEUR, FEDR and state budget

Period: 2008-2010

The feasibility study has been completed. On July, 9 2008 the Financing Application has been submitted to Management Authority for SOPT for further ERDF financing.

Beneficiary: NC Maritime Ports Administration SA Constantza

3. Extension of Constantza North Breakwater. By the execution of the last section of 1050m, left unfinished, positive effects in the exploitation of the Port of Constantza will be obtained, such as: the reduction of wave propagation in the port at the acceptable level of safe ship operation, the reduction of the destruction effects of waves on the port constructions, proper ship access on the entry mouth of the port, diminishing the entrance of alluvia in the port basin by directing the currents to the open sea.

Value: 120 MEUR, FEDR and state budget

Period: 2008-2011

The feasibility study has been completed. On July 17, 2008 the Financing Application has been submitted for further FEDR financing.

Beneficiary: NC Maritime Ports Administration SA Constantza

4. Rehabilitation and modernization of naval transport and Danube ports infrastructure. The main objective of the project consists in the maintenance and improving of port functionality and of work points in river and maritime ports in view of attracting goods traffic. The works consist in berthing rehabilitation, stone packing rehabilitation and restoration and stone packing execution.

Value: 36.91 MEUR, FEDR and state budget (according to SOP-T);

Implementation period: 2009-2013

Identified projects: Investment program in the Port of Braila – Braila berth extension, Rehabilitation and modernization – Docks Port Galati, berths 31-33, Infrastructure for container terminal in the Port of Oltenita and extension of downstream berth.

Beneficiaries: NC Maritime Danube Port Administration SA Galati, NC River Danube Port Administration SA Giurgiu.

4. PORT LEGISLATION AND LEGISLATION CONCERNING SOCIAL DIALOGUE

4.1 Main Romanian law regulations concerning social dialogue

a) LAW no. 53 /2003 **Labor Code** (modified by law no. 480/2003; law no. 541/ 2003; G.O. no. 65/2005; law no. 241/2005; law no. 371/2005; G.O. no. 55 /2006; law no. 94/2007; law no. 237/2007);

b) LAW 109/1997 regarding the organization and functioning of the Economic and Social Council (modified by G.O. no. 41/2006, law no. 58/2003, law no. 492/2001, G.D. no 516/1999, G.D. no. 187/1998)

c) GOVERNMENT DECISION no. 314/2001 regarding the establishment, the organization and the functioning of the social dialogue commissions within ministries and prefectures (modified by G.D. no. 569/2002)

a) Labor Code

The Labor Code has the TITLE VII, dedicated to SOCIAL DIALOGUE and it is structured in four chapters, as follows:

Chapter 1 - General provisions

Art. 214. In view of ensuring a climate of stability and social peace, the law shall regulate the methods of consultation and permanent dialogue between social partners.

Art. 215. The Economic and Social Council shall be public institution of national interest, tripartite, autonomous institution, established for the accomplishment of social dialogue at national level.

Art. 216. Committees of social dialogue, with a consultative character, shall be established within ministries and prefectures, according to the legislation in force, involving the public administration, trade unions and employers' organizations.

Chapter 2 - Trade unions

Art. 217. Trade unions shall be independent non-profit legal persons, without patrimony scope, established to defend and promote the collective and individual rights, and the professional, economic, social, cultural and sporting interests of their members.

Art. 218. Trade unions shall participate with their own representatives, under the terms of law, to the negotiation and conclusion of collective labor agreements, to negotiations or agreements with public authorities and employers' organizations and with the structures specific to social dialogue.

Then, in *articles 219-224*:

- Trade unions may freely associate, under the terms of law, in federations, confederations or territorial alliances.
- Any encroachment of the employers or employers' organizations, directly or through their representatives or members, on the establishment of the trade unions or exercise of their rights, shall also be prohibited.
- Legal protection against any form of pressure, constraint or restraint in the exercise of their functions.

Chapter 3 - Representatives of the employees (in the case of employers with more than 20 employees with none of them belonging to a trade union; the employees who are at least 21 years old and have worked for the employer at least one year without breaks may be chosen as representatives of the employees).

Art. 226. The representatives of the employees shall have the following main duties:
a) to guard the rights of the employees, in compliance with the legislation in force, the applicable collective labor agreement, the individual employment contracts and the internal rules of procedure;
b) to participate to the development of the internal rules of procedure;
c) to promote the interests of the employees as regards the wage, working conditions, working time and rest period, job stability and any other professional, economic and social interests connected to the employment relationships;
d) to notify the labor inspectorate as regards the breach of legal provisions and the provisions of the applicable collective labor agreement.

Chapter 4 - Employers

Art. 231. (1) The employers' organizations are autonomous organizations of employers, with no political character, established as non-profit legal persons governed by private law, without patrimony scope.

(2) The employers' organizations may associate in employers' alliances, federations, confederations or other associative structures.

Art. 232. (1) The employers' organizations shall represent, support and defend the interests of their members in connection with public authorities, trade unions and other legal and natural persons, as regards their scope and purpose of the activity, according to their own statutes and the legal provisions.

Art. 234. The employers' organizations are social partners in the collective employment relationships, participating with their own representatives to the negotiation and conclusion of the collective labor agreements, to negotiations and agreements with the public authorities and the trade unions, and to the particular structures of the social dialogue.

Art. 235. (3) Any encroachment of the employees or trade unions, directly or through their representatives or members, as the case may be, on the establishment of the employers' organizations or exercise of their rights shall also be prohibited.

LAW 109/1997 on the organization and mode of operation of the Economic and Social Council

(amended by Law no. 492/2001 and Law no. 58/2003)

Art. 1 The Economic and Social Council(ESC) shall be an autonomous tripartite public institution of national interest, set up for the purpose of achieving the social dialogue between employers, trade unions and the Government, and building a climate of stability and social peace.

Art. 2 The Economic and Social Council shall have an advisory role in establishing the economic and social strategy and policy, settling the disputes between the social partners at branch or national level, and achieving, promoting and developing the social dialogue and solidarity. *Art. 2 (2)* The Economic and Social Council may issue opinions and recommendations on its own initiative or on referral at the request of any representative public authority or employers' and trade union organization, on economic and social facts, evolution or events of national interest. Following these notifications the ESC shall issues viewpoints and recommendations.

Chapter II entitled '*Duties*', among others, states:

Art. 5 The Economic and Social Council shall examine the economic and social situation of the country and make recommendations to the Government and the Parliament, in compliance with the Law, on:

- a) restructuring and development of the national economy;
- b) privatization, functioning and increase of the competitiveness of the economic operators;
- c) labor relations and wage policy;
- d) social and health protection;
- e) education, research and culture;
- f) monetary, financial, fiscal and income policies.

Art. 6 In appliance to its advisory function on settling matters pursuant to Art. 5, the Economic and Social Council shall be mainly competent in:

- a) analyzing and issuing opinions to draft government decisions, ordinances and laws to be submitted for adoption to the Parliament ;
- b) analyzing and issuing opinions to draft programs and strategies not embodied into acts, previous to their adoption;
- c) informing the Government and the Parliament on the emergence of economic and social events that call for new regulations;
- d) analyzing the causes of disputes at national or branch level and working-out proposal for their settlement in the national interest;
- e) elaborating analyses and studies on the economic and social realities at the request of the Government, of the Parliament or on its own initiative;
- f) elaborating and assisting the implementation of strategies, programmes, methodologies and standards in the field of the social dialogue;
- g) observing the duties following from the Convention 144/ 976 of the International Labor Organization on tripartite consultations, intended to promote the enforcement of international labor standards adopted on the 2nd of June 1976 in Geneva and ratified by the Romanian by Law no. 96/1992.

Art. 11 The ESC shall establish relations with international labor and social organizations and bodies.

Chapter III ESC Structure

Art. 13 (1) The ESC will have a tripartite structure and shall comprise 27 members appointed by the social partners, as follows:

- a) 9 members appointed by the Government;

b) 9 members appointed, by mutual agreement, by the trade unions' confederations representative at national level;

c) 9 members appointed, by mutual agreement, by the trade employers' confederations representative at national level;

(2) At national level, there are representatives national trade unions and employers' confederations which attained this quality according to the collective labor agreements law.

Several sub-points have been added to art. 13:

[1(1)]The distribution of the seats among the employers' confederations representative at national level shall be accomplished by mutual agreement previous to the designation of their representatives as members of the Economic and Social Council.

[1(2)]The distribution of the seats among the trade union confederations representative at national level shall be accomplished by mutual agreement, previous to the designation of their representatives as members of the Economic and Social Council.

[1(3)]Each employers' and trade union confederation representative at national level holding one or more seats within the Economic and Social Council shall designate the individual / individuals to represent the confederation within the Economic and Social Council.

[1(4)]The Government may decide on the replacement of one member representing the Government by one member representing the professional associations, the NGO's and other similar organizations of the civil society.

ESC members must have Romanian citizenship and be domiciled in Romania exclusively, shall have the age of 30 years, have never been found guilty of a common law crime, shall have the right to hold office, the mandate being for a period of 4 years.

The protocol regarding the terms and arrangements concerning the admission of Romania and the Republic of Bulgaria in the EU, within the Romania EU Accession Treaty, states the participation of five trade unions organizations representatives and of the national representative employers' organizations in the European Economic and Social Committee. In order to ensure the meeting quorum of the ESC, as well as the participation in the works of the European Economic and Social Committee, it was necessary to modify the number of members of the ESC.

EMERGENCY ORDONANCE no. 41/2006 for the amendment of law no. 109/1997 on the organization and functioning of the Economic and Social Council

Art. 13 (amended): The Economic and Social Council shall comprise 45 members, who shall constitute the Plenary Session (Plenum), appointed by the social partners, as follows:

a) 15 members appointed, by mutual agreement, by the employers' confederations representative at national level;

b) 15 members appointed, by mutual agreement, by the trade unions' confederations representative at national level;

c) 15 members appointed by the Government.

Art. 25 (amended) The Plenary Session shall debate in the presence of at least 24 members provided that each social partner is represented by at least 8 persons.

c) GOVERNMENT DECISION no. 314/2001 on the establishment, organization and functioning of the social dialogue committees within certain ministries and commissions (amended by GD no. 569/2002)

Art. 1. Within the ministries stated in the appendix of the GD, as well as at county level and of Bucharest municipality, social dialogue committees will be established and will function between the public administration, employers and trade unions.

Art. 2. Social dialogue committees are made of:

A. At ministry level:

- a) representatives of the ministers, appointed by ministry order;
- b) representatives of the employers, appointed by employers' confederations representative at national level;
- c) representatives of trade unions, appointed by trade union confederations representative at national level.

B. At territorial level:

- a) the prefect, prefecture representatives, of ministry decentralized services and of other specialized institutions of the central public administration, appointed by order of the prefect;
- b) one representative for each employers' confederation representative at national level;
- c) one representative for each trade union confederation representative at national level.

C. The ministries which coordinate a series of activities may establish, as the case may be, social dialogue sub-committees. The leadership, organization and functioning of social dialogue committees is ensured by a state secretary and at prefecture level, by a sub-prefect.

Art. 4. The activity of social dialogue committees has a consultative character and especially concerns the following:

- a) the insurance of a new relationship with the social partners -administration, employers, trade unions-, which would allow a permanent mutual information on the problems of interest for the administration or for social partners;
- b) the consulting of social partners on legislative initiatives or other initiatives with socio-economic character;
- c) the consulting of social partners on the measures for the restructuration of autonomous companies or of companies from the respective field of activity, in correlation with the measures for labor force reconversion;

Art. 5. The methodological coordination of social dialogue committees is ensured by the Ministry of Labor and Social Solidarity.

The Ministry of Public Works, Transports and Housing, transformed into the Ministry of Transports, Constructions and Tourism is included in the list of ministries in which social dialogue committees will be established.

4.2 List and description of the main Romanian legislative regulations concerning port activity

a) Port labor has been very well settled in Romania. In the Official Journal no. 282/1931 the "Law for labor organization in ports" was published. This stated, among others, the fact that port labor will be executed only by workers who are permanently registered with the Port Master's Office, on the principle of rotation, so as everybody gets work equally. (art.1) .

Chapter titles: The port labor commission (chapter II), The appointment of port employers representatives (chapter III), The appointment of port workers representatives (chapter IV), The

appointment of port employers representatives (chapter V), Penalties for port workers misbehavior (chapter VII) proves that the regulated subjects are very complex and complete.

The port labor committee comprised of the regional labor inspector, two representatives of port employers and two representatives of the workers (the port's master having the consultative vote) is a first law form of social dialogue in Romanian ports.

b) *Ordinance 22/1999 modified O.M. 69/2003 on ports and waterways administration and on the development of naval transport activities in ports and on waterways*, regulates in CHAPTER 10, "Port labor", together with labor legislation and the international agreements and conventions to which Romania is part.

Art. 60 defines port workers as "any person aged more than 18 who fulfills the health and professional qualification criteria in agreement with the legislation in force."

Art. 61 States that "port workers can work in the port only if they have a work license issued by the port administration at the written request of the employer."

Align. (7) States that "in the case of employment contract cease, the economic agent is obliged to notify the administration in writing, in view of taking out from registers of the port worker.

Art. 62 (1) The economic agents involved in port activities, may "employ only personnel with a port work license and registered with the administrations" with a contract of employment of limited or unlimited period.

(3) "The economic agents may use port workers provided by a professional occupation and formation agency for port workers for limited periods of at least one day, but not more than thirty calendar days.

Art. 63 "For the optimization of the use of port workers depending on port traffic variation there are established agencies of professional occupation and formation for port workers, professional associations settled according to G.O. 26/2000 concerning associations and foundations."

Art. 64 (1) "The agencies may be established in any port."

(2) "The agencies has as main activity objects the providing of reserve labor force with port workers, which are not employed under employment contracts, to the port economic agents who require an extra labor force" on the basis of "a contract between the economic agent and the agency" (3).

(4) For these port workers the administration will issue" at the request of the agency work licenses for a period of maximum 30 calendar days" whose validity may be prolonged "at the agency's request for periods of thirty calendar days".

(6) The agencies may pay social aids from the sources of the port workers registered in the agency, who have not managed a placement under any employment form and who do not benefit from unemployment compensation, in agreement with the legislation in force.

d) *Emergency Ordinance no. 86/2007 on port and waterways administration as well as on the development of the activities of naval transport in ports and on waterways* modifies and completes GO no. 22/1999 as follows:

Art. 61 becomes: (1) "Port workers may work in the port only if they are registered with port administrations and hold a labor license."

(2) Port administrations register every worker on the basis of a written request from the employer with whom the port worker in cause has an employment contract registered with the regional Labor Inspectorate;

(3) The employers stated at (2) are economic operators who carry on specific port labor and are authorized for it;

(4) The methodology for the issue of port labor licenses and of port workers registration is approved by order of the minister of transport;

(5) The labor license issued is valid only for the period in which the port worker has an individual employment contract with the economic operator who requested for the registration;

(6) In the case of the annulment of the individual employment contract, the economic operator is obliged to notify the administration in writing and to hand over the labor license of the port worker in cause;

(7) Labor licenses which are handed over must be kept by the administrations.

(8) If the port worker stated in align (7) closes an individual employment contract with another economic operator, the administration will issue the labor license at the request of the new employer.

Art. 62 (1) Economic operators have the obligation to register with the administration the port workers who closed individual employment contracts for a determinate period, according to art. 61.

(2) Economic operators stated in art 61 align (3) have the obligation to use only port workers with whom they closed individual employment contracts for a determinate or indeterminate period who are registered with the administrations and have a labor license.

Art. 63 is repealed.

4.3 Legislative initiatives of the Port Unions FNSP

I) On July, 13 2006, The National Federation of the Port Union Constantza has submitted a letter to the Ministry of Transport with the main problems met by the Federation. In view of the implementation of a managerial policy with clear objectives, at the Romanian ports level, in which all parties involved in port specific activities, meaning the representatives of the authorities, representatives of the economic agents and of port workers, it was proposed:

1. The modification of the legislation regarding the naval transport activities in ports and on inland waterways and the connected activities, so as to take place in loyal competition circumstances and to allow the control and the penalization of the illegal practices;

2. The involvement of the Agency for Port Workers Occupation and Professional Formation on the port labor market, as a pole of labor force reserve necessary in the situations of port traffic variation (this legal person was established in Constantza following the European model which exists in all the world's largest ports). In this way, a national interest and also a sectorial interest would have been realized, through: The permanent existence of the necessary labor force, without disturbing the international goods transport by eventual delays;

- a) The assurance, in real time, of the necessary raw materials for goods production and domestic services;
- b) The realization of a social protection for the port workers, by assuring their mobility in the port area and the insurance of a minimum wage for workers in the situation of lack of work – generated by the variations of the goods naval transport.

3. The establishing of a Tripartite Council at the level of Constantza Port, with representatives from the authorities in the maritime and port fields, from economic agents and port workers. This Council had to be able to make decisions at the port level regarding the economic and social development of the entire port, the control and the penalization of illegal practices, the correct implementation of European recommendations in the port field, elaboration of proposals regarding the normative acts regulating specific activities. FNSP Constanta together with The National Union Block has initiated a large campaign against illegal work, an ample phenomenon at the level of Romanian ports. During the unforeseen controls made by the representatives of the state authority in the ports and naval transport field and by the representatives from the Labor Inspectorate an alarming phenomenon was met: while the port employers make massive dismissals among the workers with employment contracts, the number of people working without legal forms is growing. This situation:

- has generated protest actions in the entire Port of Constantza,

- has determined meetings with the representatives on the Ministry of Transport, the Ministry of Labor and of the port administration,

- has initiated procedures in order to modify the legal framework in this field.

II) On August 30, 2006, FNSP has submitted a protest letter against the project of modification of the Government Ordinance no. 22/1999. The protest actions of port workers caused by the rising phenomenon of working without legal forms determined the organization of a meeting, at the National Company of Maritime Ports Administration headquarter, attended by representatives of: the Ministry of Transport, the Labor Inspectorate Constantza, Romanian Naval Authority, Port Police, port operators, port unions. The conclusion of this meeting was that the method of eradicating procedures of illegal practices in the Port of Constantza is to modify the legal framework regulating the activity within the port. According to the protocol, FNSP was charged with submitting the proposal for change of legal framework. At the same time, it was stated that the General Directorate for Naval Transport within the Ministry of Transport should create a working group formed of representatives from port unions, port employers and from the ministry of

transport, having as task the elaboration of the draft for the modification of Government Ordinance no. 22/1999 and Government Ordinance no. 42/1997.

On August 8, 2006, however, the drafts for the two ordinances were submitted (around 120 pages) and there were required amendments until August 11. FNSP and the port employers did not agree with several aspects, such as:

1. Concessioning the naval transport infrastructure to economic agents;
2. The insurance of the safety services within the port, like pilotage and towage;
3. The privatization of the National Company Maritime Ports Administration Constantza (which is also a PORT AUTHORITY);
4. Including in the Boards of Ports Administration of one representative from the economic agents and one from the port unions;
5. Sanctions applied to the port operators who employ workers without legal forms and the license withdrawal for those.
6. The chapter on the work within the ports. (X).

Simultaneously, on August 30, 2006 FNSP sent a letter to the Ministry of Labor, Social Solidarity and Family in which it was noticed that the proposals made by port unions and port operators regarding the use of workers without legal forms were not included in the draft for modification of Government Ordinance no. 22/1999 initiated by the Ministry of Transport, General Directorate for Naval Transport. These proposals are:

- 1) The introduction of the phrase “port workers” in the text of the ordinance, for a better definition of the category in cause;
- 2) The introduction of a new section “The work within the ports” to regulate the framework regarding the professional form, qualification and multiple-qualification of port workers and also the method to become port worker;
- 3) The settling of the framework regarding the agencies for occupation and professional formation of the port workers.

In the document there are explained issues regarding the organization, functioning, income sources of the agencies for occupation and professional formation of port workers. Their tasks are mainly the administration of reserve labor force within the port, the supplying of port workers to the economic agents who need additional labor force, the qualification, multi-qualification, pre-qualification and professional reconversion of port workers. The agencies would have worked in a tripartite system: the Port Administration, economic agents and port unions and it would have been one in each port. Unfortunately, the provisions of the Government Ordinance no.86/2007 regarding these agencies were repealed!

III) On September 1, 2006 a protest letter was submitted to the prime minister containing the issues previously stated, the withdrawal of GO no. 22/1999 was requested and the agreement before approval of its final form of the ministries’ representatives, the employers and the unions.

5. Social dialogue in Romanian maritime ports

5.1 The beginning of the social dialogue in the Romanian maritime ports

After the revolution in December 1989, at the level of port activities the first main and most powerful strike actions took place. The proportion of these actions is given by the large number of workers on the port platform (7000) as well as by the high centralization degree of all maritime and port activities in a single institution (at that time there was the position of “sole port commander” who subordinated the NAVROM company which managed the Romanian fleet).

The Seafarer’ Free Trade Union obtained from Constantza County the Decision of establishment no. 1/1990, being the first trade union established in Romania after 1990 (over 20,000 trade union members in 1990).

After almost 50 years of lack of dialogue, the workers and employers were learning to dialogue and to establish their authority on the lack of legislation framework. Broad actions in 1990 such as employment contract at port level (or group of port units) until 1999, yearly 1-2 days of strike.

In February 1990 a first strike which lasted one day was organized by the seafarers’ trade union.

In September 1990 the seafarers’ trade union and the port workers’ trade union went on a 7 day strike. It was a very well organized protest action, during which the access gates were closed, not allowing the vehicles to enter the port. Mass-media strongly reflected this action at national level. The ending of the strike was made by an official press announcement of the minister of transport. The results of this strike action were:

- the inclusion in the first group of work of dock workers, crane workers, stevedores, and workers in the engine room work category;
- the inclusion in the second group of work of workers on the main deck and of berth operators.
- the doubling of the food allocation;
- double payment for weekend activities.

The beneficiaries of these results were both port workers and sailors. The success of this action resulted in the appreciation of organizational trade unions both on port platforms and at the level of the local community. At the first constitutional democratic elections organized in Romania after the Ceausescu dictatorship in 1992 there were also trade union activists who ran for the Local Council.

Trade union organizations were established at the level of each company, institution, unit, and operator. In order to avoid the dissipation of effort, to be more powerful and not break the activity, in 1992 was established the National Federation of Port Trade Unions which is made of: port operation units, services, port administration, maritime authority and sailors in Constantza, Braila, Turnu-Severin. This federation does not include shipyard workers who, traditionally, belong to the field of mechanical engineering. This organization is affiliated to ITF.

In the last years there were also organized a series of strike actions:

- in 1995 a 3 day strike;

- in 1995 a 5 day strike (in both actions the access of vehicles in the port was allowed);

-in 1995, 1996, 1997 actions of work break off for one day. The discussion period was shortened to one day, due to the negotiation experience acquired.

In 2005-2006 there were organized three surveillance days at the port entrances. Conclusion: over 80% of the people did not have any sort of connection with port activities or with the port: they did not have permits or labor licenses, they did not know the types of activities, etc. The establishment of a protocol with all authorities was imposed for the modification of Ordinance 22 at the proposal of trade unions.

5.2 The NC Maritime Ports Administration SA Trade Union

In 1996 the Trade Union of NC Maritime Ports Administration SA was established, comprising at the beginning approx 230 members. In November 2008 it comprised 800 members. The activity of this organization has a programmed, pre-established, repetitive component and an un-programmed, circumstantial component.

The programmed component consists in:

- the negotiation of the collective employment contract at institutional level (until 2004) and in the other affiliated institutions since 2004 to the present. The period of negotiations is variable, but does not exceed the legal term of 60 days;

- following the way in which the provisions of the collective employment contract are respected. For this purpose parity tripartite committees usually comprised of (5+5) members, but the number of members may rise depending on the nature of the treated problems (they are established in agreement with the Law of the Collective Employment Contract);

- is part of the Labor Security and Health Committee (organized under law 319). The president of this committee is the General Manager of NC Maritime Ports Administration Constantza SA and the committee is comprised of representatives of the institution, of the unions (7) who are at the same time authorized to represent non-union workers. At branch level (Technical Vessels, Electric Power, Port Services, Free Zones) four Labor Security and Health Committees led by branch vice-presidents. The results of trimestrial analyses realized in these branch committees are sent to the Regional Labor Inspectorate. In the ISO 14001 certification of the Maritime Ports Administration Constantza these committees have also been taken into consideration. All union representatives from the CSSM are certified as labor protection inspectors, and 80% of them are taking, in November 2008, courses of environmental inspectors.

- take part in the mixed union-administration Committee who administrates the fond of social aid (2%). It meets on a monthly basis, analyzes the filed petitions, special situations and submits for approval of the General Manager the proposals for aids. It is a conflict committee comprised of (5+5) members. In all conflict committees the decisions are approved with 2/3 votes "for" from the number of those present.

The unprogrammed component refers to:

- monthly participation, or any time necessary, to FNSP meetings,

- semester participation, or any time necessary, to the meetings of the Trade Union National Block
- takes part in the regional social dialogue committee (by Trade Union National Block representatives at this forum).

Despite this sustained activity there still are port operators who do not apply the collective employment contract at branch level and, unfortunately, the only way to sanction them is in court. Until now, this has not happened. This union organization has not organized its own strike actions but initiated solidarity actions such as: work break off for four hours during the CSCT (Constantza South Container Terminal) strike in the summer of 2008, financial aid for the participants to the strike organized by CHIMPEX in the spring of 2008.

5.3. Seafarers' Free Union (SLN)

Seafarers' Free Union (SLN) is representative for maritime seafarers by the number of affiliated seamen (6000) and nationally recognized by GD no. 276/2002 on the establishment of the National Maritime Tripartite Committee (together with army and government representatives).

SLN closes bilateral collaboration and agreement contracts with various European unions from Germany, Norway, Italy and Israel.

SLN is a member of:

- The Social Dialogue Committee within EU Maritime Committee;
- The National Tripartite Committee;
- The Black Sea Committee;
- The Welfare of Facility and Services for Seafarers Committee in Romanian ports established on the basis of the ratification and implementation of ILO Convention 163/78;
- Since 1996, within SLN the ITF Inspectorate for Romania was established. Presently, it is the ITF (International Transport Workers Federation) representative in Romania. It takes part in the Fair Practices Committee within ITF;
- It is ILO collaborator on "Seafarers Welfare Services" problems supporting the development of services for the Far East and Eastern Europe.
- It is a foundation member of the ETF (European Transport Workers Federation) and is part of its work committee;
- The Committee for the Transport of Dangerous Goods, Bulk Goods Transport. On the national level, it is affiliated to the CSNTR (National Union Convention of Romanian Transporters) and holds the Vice-presidency of the ATU Council (Amalgamate Transport Unions from the USA, Canada and Romania).

5.4. The Port Operators Employer Organization (OP)

In 1992 the Port Operators Association (OP) was established in agreement with the provisions of the organizations and foundations under law no. 21/1924. This organization remained nationally and internationally unaffiliated until 2007 when it affiliated to the UNTRR (National union of Romanian Road Transporters).

OP became a social dialogue partner for FNSP. This action of force concentration has led to the formation of the two parts necessary for consultations. It has been dialogued directly between social partners' elected representatives (unions reunited in FNSP and OP) and thus in 1993 the first collective employment contract at port level was signed (valid in the Ports of Galati, Braila and Constantza) on institutional groups. This offers a general frame, with particularities in the ports in cause.

The contract has been signed annually and modified according to the dynamic of port activity. The one day strikes previously mentioned took place right in the period of negotiation of the contract in cause.

Since in every institution within OP an own union functions, this contract has been applied only where the union was affiliated to FNSP (this has continued until nowadays). Thus, on the port platforms of the operators who are not affiliated to OP low wages for labor force were practiced, violating the provisions of the collective employment contract. In 1999-2000 an ample action of the port operators' withdrawal from OP took place so that at the end of this period the group of institutions was not representative anymore and for a while, it even ceased the activity. Presently, the group of Port Operators has been reestablished and it counts with 75% of the number of institutions operating on Constantza Port platforms, but concerning the traffic, this represents over 97% of the operated traffic.

Having a high degree of representation, it takes part in the employers-unions discussions from the Ministry of Transport in which the collective employment contract at branch (transport) level is approved. The OP strategy states the establishment of a new Master Plan for Romanian maritime ports because it is considered that the one established by the International Japanese Cooperation Agency in 2000 is actually old. In addition, it militates for a stable tariff policy, for a reparations and current maintenance plan, eventually mentioned in the contract and for the blocking of new operation capacities before the complete exploitation of the existent ones.

5.5 Social dialogue at the beginning of the IIIrd millennium

a) Following the year 2000, within the SID (Danish Unions) collaborations, the establishment of a trade union organization at the 'transport' branch has been considered useful. A delegation of 20 members representing employees from all transportation services went on a study visit in Denmark. When they came back, in 2000, CSNTR (**National Trade Union Convention of Romanian Transport**) was established.

This trade union convention negotiated the *Collective employment contract at branch level*. Since FNSP takes part in CSNTR, this contract applies only in the port field. It contains aspects with general character (work conditions, work hours, wage, and hierarchy index). Because more than 50% of the employees of this branch work in special conditions, the minimum wage stated in the contract is superior to the minimum wage in Romania.

The minimum wage guaranteed at the level of port activities is higher than the one at the level of the transport branch, and the latter is 50% higher than the minimum wage guaranteed at national level. It is negotiated and adaptable to these negotiations.

The collective employment contract is renegotiated yearly, with the exception of the one for 2008-2010. In the future yearly renewal of the contract is in view. The specificity of port activities would justify the existence of an employment contract particularized for every port.

b) Within SID collaboration, at the initiative of FNSP, a PHARE project was developed and finalized with the establishment of **The Port School** (1997). Subsequently, in the Board of Administration the Port Operators and the Maritime Ports Administration were co-opted. The Board of Directors is made of: two representatives of the unions, two representatives of the employers' organizations and a representative of the Maritime Ports Administration. The latter has become the main provider of continuous formation for port professions. So far, it has developed the occupational standards for the following port jobs (of which the majority are completely new and have been included in the COR-the Romanian Catalogue of Occupations).

No.	Name of Occupational Standard	COR/N.C. Code	Observations
1.	Sailor	COR 834001	Leonardo da Vinci "e-Marine" Project
2.	Ship motorman	NC 7233.2.4	Leonardo da Vinci "e-Marine" Project
3.	Port truck driver	COR 835006	Leonardo da Vinci "e-Marine" Project
4.	Auto trailer driver	COR 835007	Phare Project 2005/017-553.04.02.02.02
5.	Stevedoring port operator	COR 413338	Phare Project 2005/017-553.04.02.02.02
6.	Port loading truck driver	COR 835008	Phare Project 2005/017-553.04.02.02.02
7.	Dockers foremen	COR 835002	Phare Project 2005/017-553.04.02.02.02
8.	Forwarding port operator	COR 413339	Phare Project 2005/017-553.04.02.02.02
9.	Lashing man	COR 835004	Phare Project 2005/017-553.04.02.02.02
10.	Stevedore on ship board and berth	COR 835003	Phare Project 2005/017-553.04.02.02.02

Presently, 5463 port workers took the courses of this school (more than half of the port workers' total).

c) **The agency for occupation and professional formation of port workers**, professional association established in agreement with the provisions of GO no 26/2000 concerning Organizations and foundations.

For the insurance of a fast transportation of goods in the ports the numeric growth of the available labor force was imposed. The general fluctuation specific to maritime transport and its dependence on climate and socio-political changes, required the finding of forms of labor force protection in the periods when there is no work activity.

On global level, this preoccupation led to the approving of Convention 137/1973 of ILO ratified by Romania with number 83/1975 which remained unimplemented. The Convention was reconsidered with Convention recommendation 145 (Methodological Norms of Convention 137) by which a decent living is ensured for the labor force. For the implementation of Convention 145 in Romania, a special national legislation is necessary. The Law allows the establishment of the Agency for Professional and Occupational Formation of Port Workers as a reserve pole of the work force necessary in situations of goods traffic variations in ports. The Agency, established in August 2004, benefits from the participation of the following port operators: FNSP, CHIMPEX, DECIROM, FRIAL, ROTRAC, APMC (which was the first one to withdraw). It functioned for a period of 6 months with 60-70 employees registered. The agency must be tripartite. It ensures the minimum wage (700 RON/month) for the pending period on condition that the employees are present at the agency for 2 hours/day or to subscribe for multi-qualification courses in this period. Its income sources were proposed to be the state budget, the quote from the employees, 1

cent/manipulated ton contribution, unemployment funds.

Almost simultaneously, another private agency has been established without the authority, but with the same status (ARMONY), which was in fact a firm that also used workers without an employment contract.

After a relatively short period (approximately 6 months) both were repealed, since there was no law to regulate the legal form of the money for the pending period (it is neither social aid, nor unemployment aid). Presently both FNSP and OP regret the dissolution of these agencies, since some employers take in employees without legal forms, the wage being thus 3-4 times lower. This type of illegal activities generate: risks on the ship, on the people (sometimes overwork of 360 hours of work a month), deaths caused by excessive work at port level.

d)The Social Dialogue Commission The organization of social dialogue in Romania is structured as follows:

- at national level, the Social Economic Council
- at Ministry level, the Social Dialogue Committee (consultative role)
- at institutional level: the committees for the negotiations of the collective employment contract.

At MTCT level the Social Dialogue Committee (1993) was established as a form of social dialogue at the level of which the continuous observation of the phenomenon can be realized, thus trying a conciliatory settlement. Its president is the state secretary and it is made of representatives of the ministry through the department of relationships with the parliament, representatives of the trade union confederations and of employers' organizations.

It has a consultative role and approves the proposals formulated by the General Department for Public Information and Communication of the ministry. This department takes the proposals of legislative acts, posts them on the ministry's web site, and adds the observations which can be made during the whole period of public consultation. Reanalyzed, the proposals are also analyzed by the Social Dialogue Committee. The legislative proposals may receive a consultative approval from the CDS. Then, signed by the Minister of Transport, they must be analyzed by government commissions and they are forwarded to the Parliament. In these commissions (of approval or reporting), there are also representatives of trade unions.

In 2003 social dialogue commissions have also been established on specialized sub-fields (auto, naval, air, road and rail). Since legislative proposals interfere over the fields at multi-modal level, their activity has stopped. They were active between 2002 and 2005.

The reactivation of the commissions on transport fields is in view.

Following the model of other countries, where the port administrative leadership is a tripartite council made of representatives of work organizations, employers' organizations and the authorities, in Romania it was only in 2008 that a seat for trade unions representatives in the APMC board of administration was obtained.

CONCLUSIONS

1) The legislation promulgation of port work organizations by *special law* is imposed since this would rise the degree of port activity safety, eliminate illegal work forms, rise income of the state budget, impose the existence of a sole classified list of professions at port level, stipulate minimum wages on professions.

2) In the elaboration of port or maritime field legislation it is not paid enough attention to the opinions formulated in the public debate or social dialogue period. In consequence, the legislative projects thus promoted were improper, and the modification was made with considerable effort and in a very long time. *It is thus imposed that social dialogue be real.*

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PROJECT TITLE:
**“Strengthening Social Dialogue in the Process of Structural Adjustment
and Private Sector Participation in Ports in Romania,”**

**LIST OF MEMBERS OF THE
NATIONAL TRIPARTITE PROJECT STEERING COMMITTEE
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Proposed National Plan

ROMANIA

Detailed Description of the Project

1. Basis of the project:

The proposed project will be mainly based on the practical guidance manual on social dialogue in the process of structural adjustment and private sector participation in ports, and its complementary training materials that recently have been developed and published in 2009 in Romanian by the Sectoral Activities Branch of the Social Dialog, Labour Law, Labour Administration and Sectoral Activities Department of the ILO.

2. General aim and outline of the project:

Dissemination among the society members of the skills and good practice necessary for an effective and fruitful social dialog.

The general aim of the project is to strengthen the capacity of the social partners and other institutions involved in the port sector in Romania to engage in a constructive social dialogue in general and particularly during the process of structural adjustment and private sector participation in ports.

The project would mainly comprise the design and holding of three (one in Constanta, one in Galati and one in Giurgiu) national tripartite workshops on social dialogue in the process of structural adjustment and private sector participation in ports. Special emphasis would be given to relevant EU legislation and to the national conditions, which are reflected in the local study, undertaken by the Professor Doina Carp.



Proposed National Plan

The participants, after attending the workshop, should be able to:

- fully understand the content of the *Guidance Manual on Social Dialogue in the Process of Structural Adjustment and Private Sector Participation in Ports*
- explain to others the content of the *Manual* and provide advice to their respective organizations on the process of social dialogue
- conduct social dialogue in an effective manner in situations of structural adjustment and private sector participation in ports

3. Beneficiaries:

The main beneficiaries of the project would be the port Workers and Employers in the port sector in Constanta, Galati and Giurgiu that through their ability to be engaged in effective social dialogue would promote and safeguard their working and living conditions at European standards and achieve efficient and competitive operations of their businesses respectively. The general beneficiary would be the national trade that would in turn contribute to economic and social growth.

In the same time, the benefits of a sound and fair social dialog will be positively reflected through out entire society.

4. Descriptions of Project Activities:

a) Establishment and the meetings of the National Tripartite Project Steering Committee (NTPSC):

The first activity will be the establishment of a NTPSC. The NTPSC will comprise six members: two members representing the Government (one form the Ministry



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of Transport and Infrastructure and one from the Ministry of Labor, Family and Social Protection), two representing the Employers' (from the Constanta Port Operator Organization / CNPR) and two representing the Workers' organizations (from National Federation of Port Unions Constanta). The NTPSC would be chaired by one of the Government representatives.

The NTPSC will be chaired by one of the Government representative. All decisions of the NTPSC will be taken preferably by consensus or by another democratic manner.

The NTPSC will be responsible for the nomination of the Government, Employers' and Workers' participants to the national workshops. The NTPSC will also take decisions for the award of the local contracts for all the local services (e.g. publications, renting of workshop venue, facilities, equipment, workshops materials, etc.) following appropriate procedures. It also consider plans for the publicity an promotion of the project and it also identify and invite officials for the opening and closing ceremony of the national workshops.

The NTPSC will meet three times or whenever is necessary. The president of the NTPSC will propose the agenda for all the meetings of the NTPSC.

b) National Tripartite Workshops:

The main project activities are the three national tripartite workshops of three days duration each on social dialogue in the process of structural adjustment and private sector participation in ports (one in Constanta, one in Galati and one in Giurgiu). The national tripartite workshops will take place once a year in every town (Constanta, Galati and Giurgiu).

The three national workshops would be similar and therefore will be based on an identical timetable. The workshops it will be in the Romanian language. At the workshops it will be presented the translated ILO material by the local instructors who would be selected from those that attended the initial workshop.



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Each national tripartite workshop will be attended by 15 local participants: five to be nominated by the Government, five to be nominated by the Employers' organizations and five to be nominated by the Workers' organizations in each town.

The workshop participants' profile would be:

- human resource and operations managers in the port sector, public or private sector port managers;
- Government officials from relevant departments of transport and labour, port administration officials;
- Trainers who work for port training centres and consultants who provide advice to port on structural adjustment and private port sector participation.

The participants, before the end of the workshop would complete a project evaluation form. Certificates of attendance will be presented to the workshop participants within the framework of a short informal closing ceremony.

5. Promotion and publicity of the project:

General principles for promoting and advertising the project will be timeliness, transparency, information accuracy and political neutrality.

NTPSC will ensure that minimal promotion and advertising measures will be in place, in conformity with the project, to achieve visibility of the project. It will provide the project location, description of workshops activities through:

- Press Releases;
- Briefings, interviews;
- Temporary display panels;
- Posters, leaflets, brochures;



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- Posting on the website of Ministry of Transport and Infrastructure and on the website of Ministry of Labor, Family and Social Protection;
- Promotional and advertising materials in accordance with the project.

6. Project financing:

The project “Strengthening Social Dialogue in the Process of Structural Adjustment and Private Sector Participation in Ports” it would be funded by the Government of Romania and by the European Community.

In this respect:

- will be initiated procedures for attracting EU funds
- the Government will be invited to allocate financial and legal resources to implement this project

It will be considered eligible as direct cost:

- the cost of staff assigned to the project;
- travel and subsistence costs for staff taking part in the project;
- purchase costs for equipment which are attributable to the project;
- purchase costs for goods and services which are attributable to the project;
- costs directly arising out of, or related to, accepting or distributing contributions in kind;
- expenditure on contracting directly attributable to the project.

The following costs shall not be considered eligible:

- debts and provisions for possible future losses or debts;
- interest owed by any third party;
- items already financed from other sources;
- purchases of land or buildings;
- currency exchange losses;
- taxes, duties and charges.



7. Staff involved in the Project:

1. Mrs. Ioana Serbinov – Ministry of Transport and Infrastructure;
2. Mrs. Maria Oprea – Ministry of Transport and Infrastructure;
3. Mrs. Luiza Nicolaescu – Ministry of Labor, Family and Social Protection;
4. Mr. Andrei Popa – Constanta Port Operator Organization;
5. Mr. Viorel Panait – Constanta Port Operator Organization;
6. Mr. Vladimir Gica – National Federation of Port Unions Constanta;
7. Mr. Petrica Gheorghe – National Federation of Port Unions Constanta;



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Estimated budget of the project:

1. Staff costs	16500
➤ Management	9000
➤ Administration	2500
➤ Secretariat	1000
➤ Other staff	4000

2. Travel and subsistence allowances	7500
➤ Travel	5000
➤ Subsistence allowances (accommodation, meals)	2500

3. Administration costs	
➤ Depreciation for purchase of equipment	0
➤ Hire of rooms	2250
➤ Other administrative costs	5000

4. Overheads	3000
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Total	27 000 euro
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