Newsletter Issue 4 / 22 January 2016

NEWS FROM BRUSSELS

SAVE THE DATE: POST COP21 – THE IMPACT FOR EU TRANSPORT AND LOGISTICS POLICY

The European Logistics Platform will organise a dinner event on **Monday, 22 February 2016 at the Stanhope Hotel** on Post COP21 and the impact for EU transport and logistics policy.

In December 2015, 195 countries adopted the first-ever universal, legally binding global climate deal at the Paris climate conference (COP21). The agreement sets out a global action plan to combat climate change by limiting global warming to well below 2°C.

Members from across the European Parliament's committees and political groups, the European Commission and the Permanent Representations are invited to discuss the COP21 outcome and implications for EU transport and logistics policy. Join the ELP in discussing further innovation in transport and logistics in support of sustainability concerns.

The event will be hosted by Member of the European Parliament Wim van de Camp.

In case of interest please contact the ELP Secretariat at INFO@EUROPEANLOGISTICSPLATFORM.EU

ROAD

CLECAT WELCOMES JUNCKER'S COMMENTS ON BORDER CONTROLS

CLECAT has welcomed EC President Jean-Claude Juncker's comments, made at a recent PRESS CONFERENCE, on the costs to the EU economy of re-imposed border controls in the Schengen area. He highlighted that the internal market is one of the biggest achievements of the European Union and that the collapse of the Schengen zone will have a serious impact on growth and employment in Europe. He gave a number of examples of the costs of re-imposed border checks on road transport, like the re-imposed border-checks between Denmark and Sweden (300 million Euro) and Denmark and Germany. The President gave additional evidence of the costs of waiting time at borders and the additional costs to the logistics industry of border checks. He highlighted that the additional costs of waiting time at borders, considering the amounts of road transport every day in Europe, would amount to 3 billion euro per year. If all of this would collapse, the damage to growth would be too big to measure, he noted, not even including the costs to logistics, supply chain and maintaining stocks; the European Single market would be set to fail and pushed to its limits.

President Juncker noted that political decisions need to be taken on the refugee crisis, which take the bigger picture into account. CLECAT calls on policy makers to act in a responsible and integrated way to the crisis and to seek to reduce the impact on the free movement of goods whilst assuring much needed security.

See President Juncker press statement HERE (as of 32 minutes).

MARITIME

CLECAT RECOMMENDATIONS ON PORT SERVICES REGULATION

Ahead of the vote in the Transport and Tourism Committee on 25 January on the report of Mr Fleckenstein on Port Services, CLECAT has provided its view on the draft report and amendments. CLECAT draws particular attention to the amendments relating to Articles 3, 10 and 11 where we make specific voting recommendations. Furthermore, we welcome the rapporteur's proposals and the compromise amendment on consultation of port users, which are a great improvement compared to the General Approach tabled by the Council.

CLECAT shares the rationale of the Commission to come up with a new EU Port Policy: ports have a key role to play in the EU transport and logistics system. Inefficiencies still exist and must be addressed; however today there is insufficient legal basis to do so.

CLECAT therefore supports a meaningful proposal for a Regulation establishing a framework on market access to port services and financial transparency of ports. This will create legal certainty for all concerned parties, be it port authorities, port service providers, users or stakeholders at large.

We welcome the rapporteur’s commitment to financial transparency in the setting of port charges and the assurance of independent supervision and support for port users’ rights, as well as ensuring clarity over state aid for port infrastructure. The strong provisions on consultation of port users are especially welcome, in ensuring that port users are adequately informed with regard to the setting of port charges.

However, CLECAT is concerned at the potential for the draft regulation’s market access chapter to be removed or weakened to a point where it is no longer relevant. A comprehensive, balanced market access chapter, covering the broad range of port services, is essential to a meaningful ports regulation, as restrictive practices and legal obstacles continue to hamper access to services in several EU ports.

CLECAT therefore supports the compromise proposal which would allow ports the freedom to organise port services as they desire, and calls on MEPs to extend the scope of the regulation to cover all port services, including cargo handling. It would be contradictory to allow freedom in organising port services while at the same time excluding certain services from this freedom.

CLECAT would call for a rejection of the proposal to impose restrictions on the organisation of labour in port services which completely goes against the rationale of granting the freedom of organisation. To allow the freedom of organisation while retaining restrictions to be imposed in case of transfers of undertakings would render the Regulation contradictory and self-defeating.

Terminal operators call for clarification on box weighing

With less than six months to go until the implementation of amendments to the Safety of Life at Sea Convention requiring the verification of gross mass of all containers loaded on vessels, terminal operators are calling for weighing rules to be clarified at national levels. The Federation of European Private Port Operators says national authorities need to develop guidelines that protect the efficiency of the logistics chain and do not create competitive distortions between member states.

"From July 1, 2016, all containers to be loaded on a vessel will need to be accompanied by a verified gross mass," said Jasper Nagtegaal, chairman of FEPORT's customs and logistics committee. "As of now, industry actors have released guidelines on the implementation of SOLAS requirement, but guidance from national authorities is still absent in many cases."

A lack of national guidelines would ultimately lead to confusion in implementation and would have an adverse impact on operations and lead to possible competition distortion, Mr Nagtegaal added. FEPORT is asking member states to draft guidelines which adopt a pragmatic approach and do not lead to competition distortion.

Verification of gross mass remains a contentious issue and time is running out for national authorities to implement structures. Moreover, a recent study by INTTRA found that only 30% of cargo owners globally say they are ready to meet full compliance with new container weight rules. The SOLAS revision requires that any apparatus utilised must be "calibrated and certified" in the particular jurisdiction in which it is used.

TT Club risk management director Peregrine Storrs-Fox said: "The issue here is that, while weights and measures regulations will generally already exist, there is currently insufficient clarity as to whether, or to what extent, the SOLAS regulations fall under legal metrology control in individual states.

"This may discourage innovators faced by the potential of having to meet differing standards around the globe or even by protectionist barriers." The capability of weighing equipment, whether in respect of Method 1 (the packed container) or Method 2 (the sum of all the constituent parts), has traditionally been more aligned towards safe working load requirements, that are far less exacting than what might be expected for "'calibrated and certified" purposes. In this regard, Method 2 shippers may be better placed to implement a certified methodology that can be approved in the relevant state.

CLECAT will participate in a panel discussion on the SOLAS amendment at an event organised by INTTRA in Hamburg on 26 January.

Source: Lloyd's Loading List, 20/01/2016

EC adopts decisions on taxation of ports in the Netherlands, Belgium, France

The Commission has required the Netherlands to abolish an exemption from corporate tax for its six seaports so as to align the regime with EU state aid rules. The Commission has also proposed in two separate decisions that Belgium and France align their taxation of ports with state aid rules. Commissioner Margrethe Vestager, in charge of competition policy, stated: "*Ports are key* *infrastructure for economic growth and regional development. I will soon present a proposal to facilitate unproblematic investments in ports that can create jobs, to exempt them from scrutiny under EU state aid rules. At the same time, the Commission's decisions today regarding the Netherlands, Belgium and France make clear that if port operators generate profits from economic activities these should be taxed under the normal national tax laws to avoid distortions of competition."* Cross-border competition plays an important role in the ports sector and the Commission is committed to ensuring a level playing field in this important economic sector. Public companies, when carrying out economic activities, compete with private players, who are subject to paying corporate tax. The commercial operation of port infrastructure constitutes an economic activity. Public companies when carrying out economic activities should be subject to paying corporate tax, just like private companies are. These economic activities can be distinguished from other activities that linked to the operation of infrastructure for the exercise of the essential responsibilities of the State (e.g. safety, surveillance, traffic control), which fall outside the scope of EU state aid control.

The Commission takes the preliminary view that, in both Belgium and France, the existing regimes provide the ports with a selective advantage that may breach EU state aid rules. It has therefore proposed measures to Belgium and France to adapt their legislation, in order to ensure public or private ports pay corporate tax on their economic activities in the same way as other companies in Belgium and France, respectively. Each country now has two months to react.

Source: European Commission Press Release, 21/01/2016 (extract)

STUDY ON PORT INFRASTRUCTURE CHARGES TO PROMOTE SUSTAINABLE ENVIRONMENT

On January 20, CLECAT took part in the second Panel on the 'Study on differentiated port infrastructure charges to promote environmentally friendly maritime transport activities and sustainable transport'. The study, commissioned by DG MOVE, has the objective of assessing the various options applied to differentiate port infrastructure charges according to environmental or sustainability criteria and prepare guidelines of good practices that can be used by ports willing to implement, on a voluntary basis, efficient and cost-effective environmental charging. A state of play was given on the results of the study. Suggestions from stakeholders will feed into the study final recommendations and guidelines.

EUROPEAN SHIPOWNERS WELCOME EP TISA RECOMMENDATIONS

European shipowners welcome the European Parliament's INTA Committee recommendations to the European Commission on the ongoing negotiations of the Trade in Services Agreement between some of the world's leading economies.

In it MEPs acknowledge the crucial role shipping plays as the lynchpin of global trade and call for improved access to third-countries. MEPs also ask the parties to address and remove current restrictions on maritime transport services and to strive for reciprocity. EU companies are very often hindered in accessing certain market segments abroad, which in the EU, in contrast, are open to foreign companies.

‘We are very pleased with the references to shipping and to the need to liberalise foreign markets, do away with protectionist measures and function on the basis of reciprocity’ said Patrick Verhoeven, ECSA Secretary General.

Commenting on the vote, ECSA Director Trade and Shipping Policy Lieselot Marinus said: ‘The text contains some very good recommendations and we share the call for an ambitious chapter on maritime transport services. We hope TiSA will set the scene at the global level and provide needed confidence and legal certainty to shipowners that are by default operating globally’.

Negotiations for a Trade in Services Agreement started in 2013 against a background of stalled discussions in the World Trade Organisation (WTO) Doha talks. It focuses on finding global common rules in the services sectors. There are 23 parties taking involved in the TiSA negotiations: Australia; Canada; Chile; Taiwan; Colombia; Costa Rica; the EU; Hong Kong; Iceland; Israel; Japan; Liechtenstein; Mauritius; Mexico; New Zealand; Norway; Pakistan; Panama; Peru; South Korea; Switzerland; Turkey; and the USA. ECSA has been supporting these negotiations from the start, hoping a TiSA agreement will eventually lead to a global agreement in the WTO.
More on ECSA's position on TiSA can be found **HERE**

Source: ECSA, 19/01/2016

FORTHCOMING EVENTS

CLECAT MEETINGS:

Air Logistics Institute
- 2 March 2016, Brussels

Supply Chain Security Institute
- 2 March 2016, Brussels

Road Logistics Institute
- 3 March 2016, Brussels

Sustainable Logistics Institute
- 3 March 2016, Brussels

Customs and Indirect Taxation Institute
- 4 March 2016, Brussels

Board/General Assembly
- 22 June 2016, Rotterdam

Rail Freight Institute
- 22 June 2016, Rotterdam

OTHER EVENTS with CLECAT PARTICIPATION

Transport & Environment Rail Freight Platform Workshop
- 25 January 2016, Brussels

European Commission Land Transport Security Expert Working Group
- 25 January, Brussels

INTTRA’S EVGM initiative
- 26 January, Hamburg

ALICE workshop

- 2-3 February, Vienna

ACEA Stakeholders event

- 16 February, Brussels

ITF annual consultation meeting

- 17 February, Paris

FIATA HQ Meetings

- 16-20 March, Zurich

DTLF Plenary meeting

- 16 March & 20 September 2016

ITF 2016 Summit on Green and Inclusive Transport

- 18-20 May Leipzig, Germany

Conference on the rail freight corridors – NL Presidency

- 21 June Rotterdam, Netherlands

EUROPEAN PARLIAMENT

Transport Committee

- 25 January 2016 (afternoon), Brussels
- 15-16 February 2016, Brussels