

Newsletter Issue 5 / 29 January 2016

NEWS FROM BRUSSELS

CLECAT ISSUES GUIDELINES ON CONTAINER WEIGHING

CLECAT has issued [GUIDELINES](#) on the implementation of the SOLAS amendments on container weighing. The document gives recommendations to industry and governments on how to comply with a number of outstanding issues, which still need to be addressed by many in view of the looming implementation deadline of July 2016.

The guidelines set out an urgent call for action from regulators and shipping lines, to ensure that they outline their policies to implement the SOLAS amendment. This includes how shipping lines will treat Verified Gross Mass (VGM) from forwarders acting as carriers, how VGM is to be transmitted to carriers, what tolerance level governments will allow, and which certification programmes will be recognized as equivalent.

Nicolette van der Jagt, Director General of CLECAT, noted: 'The SOLAS amendment presents logistical challenges and we are unconvinced that all parties are up to speed for implementation.' She continued: 'IMO has urged stakeholders to come to practical agreements for implementing the requirements, and therefore we are pleased to provide some further recommendations to our own members, but also to governments and other parties in the chain.'

In December 2014, industry guidance was issued by CLECAT, CEFIC, ESC and the GSF. There were, however, outstanding questions which were not addressed in the paper, for example how the SOLAS amendment will affect freight forwarders when they are acting as carrier towards the shipper. The implementation date is fast approaching and there is a pressing need to resolve these points. Indeed, for transshipment container traffic which will have begun moving prior to the deadline, compliance will be required ahead of 1 July, thus only further increasing the need for immediate action.

CLECAT RESPONDS TO TRAN VOTE ON PORT SERVICES REPORT

The European Parliament Transport Committee adopted, on 25 January, the report by Knut Fleckenstein MEP on the proposed Ports Services Regulation. The report as adopted represents a high degree of compromise between MEPs, which has allowed work on the file to advance, and the rapporteur's work to engineer this compromise is very much appreciated.

CLECAT welcomes the simplification of the proposal by the compromise amendments adopted, including the granting of freedom for ports to organise services as they wish. This would allow those ports which wish to open up market access to port services to do so, without imposing a single model on Europe's ports. The strong provisions on financial transparency and consultation of port

users in the report are especially welcome, in ensuring that port users are adequately informed with regard to the setting of port charges.

However, it is regrettable that the report maintains an exemption for cargo handling. It is contradictory to allow ports the freedom to organise port services as they desire while at the same time excluding certain services from this freedom. CLECAT is also concerned that the report's restrictions on the organisation of labour in port services go against the rationale of granting the freedom of organisation. The introduction of restrictions to be imposed in case of transfers of undertakings is contradictory, a block on new entrants to the market and on the freedom to organise port services.

It is unfortunate that a majority could not be obtained for a mandate to negotiate with the Council. We urge MEPs to grant this mandate in a plenary vote as soon as possible, so that trilogue negotiations may begin in the near future and an agreement reached. There has been good progress lately on this file and it is important to maintain this momentum by proceeding to negotiations as rapidly as possible. The trilogue negotiations will be an opportunity to maintain the strong compromises achieved by MEPs and to revisit the restrictions on free organisation of port services.

CLECAT's Director General, Nicolette van der Jagt said "Today's vote represents another step towards a meaningful and practical Port Services Regulation. The shift towards freedom to organise services is a good compromise which allows flexibility in the marketplace, and the provisions on financial transparency and user consultation are very welcome. However, the report also places restrictions on this freedom to organise, through exemptions for services including cargo handling, and labour requirements, which contradict the spirit of freedom of organisation. We encourage the parties at the eventual trilogue negotiations to reconsider these barriers to organisation."

CLECAT PARTICIPATES AT INTTRA eVGM EVENT IN HAMBURG

On 26 January, CLECAT attended the eVGM event organised by INTTRA in Hamburg. Aidan Flanagan, Policy Adviser, participated in the event's panel discussion alongside representatives of DHL Global Forwarding, Damco, CEVA, Ecu-Line and UASC.

The panel discussed the many outstanding issues presented by the implementation of the SOLAS amendment, and which are covered by the CLECAT Container Weighing Guidelines, including: the timeline for submission of verified gross mass (VGM); the role of forwarders acting as carrier and the processes required between forwarders and their customers/carriers in these situations; the state of national implementation measures for the SOLAS amendment; and the audit processes required for compliance. The panel discussion demonstrated that consensus is forming among the industry on the issues to be addressed, particularly by carriers, regulators and terminal operators, prior to 1 July, and underscored the urgency of these concerns. Of particular note was the fact that transshipment container traffic will need to comply well ahead of the deadline.



The second part of the event presented INTTRA's eVGM initiative, which provides an online tool for the submission of VGM by the shipper (as named on the bill of lading) to the carrier. The tool will allow the submission of data as well as receipt of acceptance of declarations, on a subscription basis.

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



**European
Logistics
Platform**

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.

The event will be hosted by Member of the European Parliament Wim van de Camp. Speakers include Sophie Punte, Executive Director, Smart Freight Centre, Rachael Dillon, Climate Change Policy Manager, FTA and a representative from DG CLIMA (tbc).

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

PRESENTATION OF THE PROGRAMME OF THE DUTCH PRESIDENCY OF THE COUNCIL

On 25th January, the Dutch Minister for Infrastructure and Environment, Ms Melanie Schultze van Haegen, presented the priorities of the Dutch Presidency to the TRAN Committee of the European Parliament. She emphasised the priority the Council Presidency would put on the aviation strategy, reaching agreement on the market pillar of the fourth rail package and innovation, such as connected and automated driving. She would also like to make progress on inland waterways and port services.

The Dutch Presidency had hosted an Aviation Summit in January and is preparing TEN-T Days in June. These days will provide an opportunity to discuss the decarbonisation of transport and innovative financing of infrastructure. Members focused on better implementation of EU transport legislation especially in connection with social aspects and road cabotage, the impact of trade negotiations with the US on the transport sector and on automated driving. They also pointed out that progress in aviation remains complicated due to the question of Gibraltar. There was also strong support for addressing the issue of automated driving.

The Luxembourg Minister for Infrastructure and sustainable development Mr Bausch gave a presentation on the achievements of the Luxembourg Council Presidency. Mr Bausch identified the Council's internal agreement on the market pillar of the 4th Railway Package as one of the major Presidency achievements. This had allowed negotiations with the Parliament to open. The three trilogues would pave the way for further progress under the Dutch Presidency. The Minister also mentioned negotiations with the Parliament on inland waterways and the Council's debate on the White Paper for Transport, social aspects in road transport and road safety.

Source: TRAN Newsletter, 25/01/2016

AIR

PLACI REQUIRES FORWARDERS TO DIGITISE, SAYS TIACA

Medium and small air cargo forwarders must embrace digitisation in advance of new regulations, TIACA has warned – otherwise, it says, shipments simply “won’t fly”.

Doug Brittin, secretary general of TIACA, said: “If there are SMEs still in the manual world, it is not going to work. At the very least they should think about getting data to the carrier electronically.”

He said ground handlers would also need to be “up to speed on the data”, adding: “But the biggest onus will be on forwarders. If they don’t have accurate data about a shipment, it won’t get on a plane.”

Alongside FIATA/CLECAT, Mr Brittin last week attended the fifth session of the ICAO and World Customs Organization Joint Working Group on Advance Cargo Information (JWGACI). While the US, EU and Canada are agreed that pre-loading advance cargo information (PLACI) is key, the group realises that much of the detail, particularly concerning aviation security, is missing and there is insufficient commonality between regulators.

“It became evident that it was a bigger issue than we had all thought,” he said. “We are starting to realise that there’s more that we don’t know.”

“We have been encouraging joint collaboration between the three regulators, but we know we are not ready for a framework document,” explained Mr Brittin. The meeting agreed that outstanding issues include the lack of testing for automated systems and data collection, routing and transfers between multiple regimes, and operations and compliance such as in situations where the pre-filed data changes.

By mid-March, the US, Canada and EU are to report back to the JWGACI on the aspects which will be subject to further live testing before the group may develop a concept of operations for PLACI regimes. CLECAT has been consistently calling on the EU to engage in such wide testing, rather than conducting only small desktop exercises, so as to ensure that the eventual EU PLACI regime is compatible with the realities of the supply chain.

Source: [THE LOADSTAR](#)

MARITIME

CONGESTION AT FELIXSTOWE PUSHES MAERSK TO DIVERT ASIA-EUROPE VESSEL TO GATEWAY

Maersk Line is switching a second Asia-North Europe loop vessel to London Gateway this week after concerns over ship and landside congestion at Felixstowe. And with the Chinese New Year holiday looming, shippers can expect considerably more disruption to supply chains as ocean carriers endeavour to overcome the impact of three weeks of reduced bookings. “Due to the forecasted weather towards next weekend and congestion at the port of Felixstowe, we have arranged to divert the *Maersk Kolkata* (96W/1606) to London Gateway,” Maersk said in a customer advisory last week.

The 6,252 teu vessel is deployed on the carrier's AE1 service, which it operates with its 2M alliance partner MSC. According to local sources the ship will discharge 1,400 containers in a 24-hour over the weekend. It will be Maersk Line's second Asia-Europe ship to be diverted from Felixstowe to the DP World facility. The 8,850 teu *Maersk Lavras* sailed from London Gateway this morning, having discharged around 2,250 containers of Asian imports.

One agent told *The Loadstar* that there were no reported delays in collecting *Maersk Lavras* boxes, suggesting that the early decision to divert the ship had allowed sufficient time for communications between stakeholders. Elsewhere, shippers are set to face some challenging weeks as Asia-North Europe carriers cancel a series of sailings to mitigate the expected low demand over the CNY holiday, which begins on 8 February. Both the G6 alliance members and Maersk Line, on behalf of the 2M, have published a list of blanked sailings during weeks 6, 7 and 8, together with 'contingency' plans for bookings already made for the voided voyages.

It is likely that Asian shippers to North Europe will see increasing numbers of containers transhipped during the holiday, not only extending transit times but adding to the risk of boxes remaining on the quayside at a way port. Over the past year, shippers have grumbled to *The Loadstar* that the formation of four major east-west alliances meant it had become more difficult to track container movements. Privately, one alliance carrier said recently that the standard of operational communication from some of their alliance partners "left a lot to be desired". Meanwhile, it is interesting to note that Maersk Line's CNY contingency plans include a number of "inducement" calls at North European ports, including: Southampton, Hamburg, Wilhelmshaven and Le Havre. The word is more commonly to be found in shipping relating to the tramp market rather than liner services, and shippers booking cargo for an inducement port are unlikely to receive confirmation that their containers will be shipped on to their nominated destination until the latter stages of ship planning.

Source: [THE LOADSTAR](#), 25/01/2016

CUSTOMS

EU COMMISSION PROPOSAL ON CUSTOMS INFRINGEMENTS AND SANCTIONS

The European parliament IMCO Committee has recently published a report on the analysis and effects of the different Member States customs sanctioning systems. The study provides an analysis of the effects of the present divergence of the customs sanctioning systems of the Member States of the EU, as well as of the proposal of the European Commission for a Directive to harmonise the customs infringements and sanctions.

Some key recommendations and conclusions issued take up on CLECAT presentations to both the IMCO Committee public hearing in early 2015 and the recent EU Commission workshop held in November 2015. The study contains a number of conclusions and recommendations (by the independent authors), chiefly but not only:

- Amend the scope of the draft Directive to include only non-criminal sanctions;
- The Directive should also cover the wide range of enforcement issues including control;
- It should be clear that in the absence of guilt, sanctions should not apply and
- The level of sanction imposed should be based in certain cases where the level of duty evaded can be calculated.

CLECAT will continue to monitor the developments as the draft Directive is currently under discussion in the Council and Parliament.

UCC TRANSITIONAL DELEGATED ACT

On 25th January the European Parliament IMCO received the Commission presentation of its delegated Regulation on the transitional rules for certain provisions of the UCC where the relevant electronic systems. The discussions will continue with a particular focus on the UCC Work Programme draft legislative and CLECAT will again actively participate in the discussions through the TAXUD Trade Contact Group.

2016, INTERNATIONAL YEAR OF DIGITAL CUSTOMS

On the 26th of January, the World Customs Organisation officially launched the Year of Digital Customs under the slogan “Digital Customs: Progressive Engagement”. This year, Customs administrations are encouraged to actively showcase and promote their use of Information and Communication Technologies (ICT).

On behalf of the European Commission, Mr Stephen Quest, Director-General for Taxation and Customs Union, wrote a statement in which he welcomes the importance given to Information Technology in the context of customs and trade future developments. Mr Quest declares that *“in the European Union (EU), the coming years will see the development of many new electronic Customs Systems to support changes introduced by our new Customs legislation. All 28 EU Member States will need to use this new technology to secure the implementation of the mandatory changes. We have already created the EU Customs Data Model, which will provide a single source to publish the required data and data exchanges in a format suitable for immediate use by the EU Member States. This EU Customs Data Model is fully aligned with the WCO Data Model”*.

Mr Quest’s statement is available [HERE](#).

AMCHAM CALLS FOR SIMPLIFYING CUSTOMS PROCEDURES TO PROMOTE ECOMMERCE & TRADE

On Tuesday 26 January, CLECAT participated at a meeting of AmCham EU's Customs and Trade Facilitation Committee. The Committee launched its new publication entitled '[CONNECTING THE WORLD: STREAMLINING CUSTOMS PROCEDURES BENEFITS CONSUMERS AND STIMULATES THE ECONOMY](#)'. The brochure was designed to provide policy-makers with recommendations for developing a more simple, clear and effective EU customs framework to boost trade and create growth.



Vicky Ford, MEP (ECR, UK) and Chair of the Internal Market and Consumer Protection (IMCO) Committee, delivered the keynote address, in which she underlined how efficient and streamlined customs are vital to strengthening the economy. She also spoke about the importance of the UK remaining a committed and active member of the EU, discussing the risks of leaving the EU single market.

Rich Moore, Vice President, UPS Europe Region Operations, then presented a business case study to illustrate how simplified customs procedures could benefit SMEs and larger companies alike.

GENERAL

THE RISK OF ON-LINE FREIGHT EXCHANGES

The January edition of the [TAPA EMEA Newsletter](#) includes an interesting story about the risks of on-line freight exchanges. The article notes a series of incidents where shipments booked through online freight exchanges have subsequently disappeared after pick-up. It is yet another example of how organised criminals are using the web to help them identify and target goods in transit. The very nature of business today is one of the reasons why online freight exchanges provide such an attractive option for businesses but these also help to explain why manipulation of exchanges is becoming a growing issue. Traditional high value, theft targeted (HVTT) cargo is no longer only destined for big retailers; increasing volumes of smaller shipments are sold to smaller independent retailers, for example. This results in a higher demand for transport flexibility and often means no fixed routes and no forecasting. A number of practices of criminals was highlighted such as: fake documents, company take-over and false pick-up.

The January edition also gave data on cargo crime over the end of last year. Any hopes of a downturn in cargo crime heading into the Christmas and New Year period were dispelled in December as the average loss for the month rose 65% year-on-year to €299,768 – with three crimes on the first day of the month alone resulting in a combined loss of €3,524,862.

FORTHCOMING EVENTS

CLECAT MEETINGS:

Air Logistics Institute

- 2 March 2016, Brussels

Supply Chain Security Institute

- 2 March 2016, Brussels

Working Group on Market Access

- 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

ALICE workshop

- 2-3 February, Vienna

Short Sea Shipping High Level meeting – Dutch Presidency

- 15 February, Brussels

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***Planned draft agenda:*

- 15 February 2016,(afternoon), Brussels
 - Announcement of Council's positions at 1st reading and draft recommendations for 2nd reading on 4th Railway Package Technical Pillar
 - Social Dumping - consideration of draft opinion;
- 16 February 2016, (morning and afternoon), Brussels
 - 2014 Discharges: European Commission and Agencies – vote
 - Agreement on certain aspects of air services with Macao SAR - consideration of draft recommendation
 - Scrutiny: preparation of a Delegated Act on a EU-wide multimodal travel information services - presentation by the European Commission
 - Hearing on Road Transport Safety