CLECAT
european association for forwarding, transport, logistics and customs services

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Table of content

CONSULTATION ON URBAN LOGISTICS	p 1	PORT SERVICES TRILOGUE NEGOTIATIONS BEGIN	p 5
EC CONSULTATION ON SERVICES PASSPORT	p 1	EUROPEAN COMMISSION CLEARS CMA CGM BID TO BUY APL	p 5
EC AGAINST ROAD CHARGING SYSTEMS IN GERMANY AND UK	p 2	PORT LABOUR: COMMISSION REFERS SPAIN TO THE COURT OF JUSTICE FOR THE SECOND TIME	p 6
RAIL FREIGHT NOISE REDUCTION	p 3	NO NEW ACTION NEEDED ON BOX WEIGHING, US DECLARES	p 6
REVISION OF COMBINED TRANSPORT DIRECTIVE MAY HAPPEN	p 3	MAKING TRANSPORT MORE GREEN AND INCLUSIVE	p 7
AIR FREIGHT DIGITALISATION 'POISED TO ACCELERATE'	p 4	GREEN TRANSPORT TARGET WILL BE SCRAPPED POST-2020	p 8

News from Brussels

CONSULTATION ON URBAN LOGISTICS

CLECAT has been invited to the second workshop in the framework of the preparation of EU non-binding guidance documents on urban logistics that will take place on 14 June 2016.

The European Commission (DG MOVE) has launched a study to facilitate the preparation of non-binding guidance documents (NBGD) on six specific aspects of urban logistics policies, as announced in the Communication "Together towards competitive and resource efficient urban mobility", COM(2013) 913 Final. The consortium responsible for this study is formed by Ecorys, University of Antwerp, University of Lisbon and Prof. Dablanc of IFSTTAR.

The project was launched in March 2015 and will be completed by December 2016. In order to complete this work, the study team seeks feedback from stakeholders; e.g. via an online consultation and meetings in Brussels.

Topics to be covered in the workshop are
- Engagement of stakeholders when implementing urban logistics policies;
- Logistics schemes for E-commerce.

EC CONSULTATION ON SERVICES PASSPORT

The European Commission has launched a public consultation on how to make it easier for service providers to work across the EU.

As announced in the Single Market Strategy, the Commission plans to propose a Services Passport by the end of 2016 to simplify the administrative procedures for service providers who want to expand to other Member States.

Elżbieta Bieńkowska, Commissioner for Internal market, Industry, Entrepreneurship and SMEs, said: "Services account for two thirds of the EU economy. But the cross-border provision of services in the EU is underdeveloped, in particular in the area of business services – such as accounting and engineering services – and the construction sector. The Services Passport will help services providers big or small overcome administrative complexities. By promoting dynamic services markets, the Single Market will help deliver cheaper services and more choice for consumers."

The goal of the Services Passport is to give services providers legal certainty and clarity about the rules they have to comply with when they want to operate in another Member State. The Services Passport will simplify administrative procedures without changing the number of applicable rules or reducing labour law or social protection requirements that service providers need to comply with. By looking at how regulatory and insurance requirements play a role in service providers' activities and options to reduce them if necessary, the Commission wants to make the best use of the Single Market for growth.

The public consultation runs until 26 July. CLECAT will assess whether a response should be submitted, so that the views of freight forwarders and logistics service providers wishing to expand to other EU Member States are taken into account.

Source: European Commission

Road

EC AGAINST ROAD CHARGING SYSTEMS IN GERMANY AND UK

The European Commission has stepped up legal action against specific road charging systems in Germany and the United Kingdom which do not respect the EU's Single Market rules. The Commission supports the "user and polluter pays" principle according to which drivers pay road charges that can then be used to support infrastructure maintenance.

The first case concerns Germany's law of 8 June 2015 introducing a road charging scheme for private cars.

The Commission believes that this arrangement discriminates against drivers from other Member States for two reasons. First, because only German users will not effectively pay the road charge, as their vehicle tax bill will be reduced by the exact amount of the road charge. And second, because the price of short-term toll passes, which are typically bought by foreign drivers, is disproportionally high for certain vehicles.

The second case relates to the introduction of a time-based road charge for Heavy Goods Vehicles (HGVs) in the United Kingdom in April 2014. After thorough analysis, the Commission has set out its concern that the HGV levy discriminates against non-UK hauliers. In its letter of formal notice – the first stage in infringement proceedings – the Commission has requested further explanations from the UK authorities. The United Kingdom has two months to respond to the concerns put forward by the Commission. Should the Commission consider the reply unsatisfactory in addressing these concerns it will consider moving to the next stage of infringement proceedings and sending a Reasoned Opinion to the UK.

Source: European Commission

Rail

RAIL FREIGHT NOISE REDUCTION

At the last European Parliament Transport and Tourism Committee (TRAN) meeting which took place on 26 April, Olivier Onidi, European Commission Director for DG MOVE, set out the European Commission of Staff Working Document on Rail freight noise reduction - SWD(2015)0300 which includes measures that had been taken to encourage quieter, composite brake blocks:

- subsidies including under the Connecting Europe Facility;
- a sympathetic attitude to national programmes;
- allowing Member States to apply lower track charges to quieter wagons.

The revised Interoperability Directive would allow gradual application of rail noise limits.

Some Members called for more rapid progress, citing initiatives in Switzerland and Germany and speaking of a 2020 target. Others, typically from less densely-populated areas stressed the importance of cost-effectiveness, questioned the need for a single European solution and pointed to problems with using quieter brake blocks in Artic regions.

The Commission replied that a European solution was needed as wagons were being used across national borders. However, this could include transition periods or derogations for rolling stock only used in particular areas.

In this matter, CER will host an event on 14 June to discuss the issue of noise pollution and possible strategies to reduce rail freight noise. This event is supported by the Netherlands EU Presidency, and it will be an occasion to exchange views on the potential benefits and possible challenges in tackling railway noise.

Source: TRAN Newsletter

REVISION OF COMBINED TRANSPORT DIRECTIVE MAY HAPPEN

The European Commission has concluded its REFIT Procedure and published its Implementation Report. In a press release published earlier this week the UIIR has noted that the Report has confirmed that:

- "the Directive continues to have a noticeable impact on the choice of Combined Transport."
- "The industry overwhelmingly indicated in the public consultation that similar results in the Combined Transport sector could not have been achieved with less burdensome measures." And "public administrators also agreed that the results could not have been achieved at lower cost."
- ..."due to problems identified under effectiveness and efficiency (of the Directive), the Combined Transport Directive does not currently realise its full potential added value at EU level", which refers to: "problems reported by the industry that relate mainly to the inconsistent transposition or implementation of the Directive".

The Report concludes that the "Combined Transport Directive continues to be relevant for the purpose (however) there are considerable shortcomings in its effectiveness and efficiency".

UIRR has been calling for a comprehensive revision of Directive 92/106 since many years and hopes that, reading this Report, the European legislator will agree with this necessity as well. The persistent problems of longer distance road haulage and the simultaneous existence of a proven alternative in Combined Transport, which not only offers a viable solution to all forms of pollution and energy efficiency challenges but also solves congestion, accident and social problems to a large extent, should convince every player to move swiftly and effectively to create the effective regulatory environment needed.

The Executive Summary of the EC Implementation Report is available here.

Source: UIRR

Air

AIR FREIGHT DIGITALISATION 'POISED TO ACCELERATE'

Air freight digitalisation is set to accelerate as many airlines approach e-AWB critical mass thanks to the participation of multinational forwarders and increasingly independents, according to Worldwide Information Network (WIN) managing director John DeBenedette, who believes costs or penalties for handling paper will increasingly be applied.

In an article published in Lloyd's Loading List, DeBenedette says these are among a number of factors that appeared set to accelerate adoption, noting also that market sluggishness typically drives forwarders to seek out new efficiencies. "Many airlines are approaching critical mass of electronic Air Waybill (e-AWB) on the strength of participation not only by multinational players, but now, increasingly independents; therefore we may see costs or penalties increase for handling paper," he said.

And he believes the trend for handlers to create 'fast lanes' for tendering cargo with electronic data available in advance could also prove to be a major driver, especially in markets facing infrastructure-bound congestion.

"I am optimistic that in the age of so many technology-driven market disruptions, independents that are more nimble, but sometimes slow to jump in, are recognizing that their future depends on adopting the readily-available advanced solutions that larger firms struggle to embrace due to their legacy systems," he said.

But huge challenges still remain, he said, noting that many air cargo operators "are still imprisoned by legacy technology providers entrenched in 40-year-old innovations, unable to break free of the shackles". He continued: "Imagine the insanity of a world in which, on the one hand they can watch a video from anywhere on the planet on their cell phone for free using the internet over lunch, but back at their desks they are trying to figure out if they can even pass an ampersand in the name of a shipper in a short text file representing an AWB their companies must pay a dollar to transmit to a partner across the airport property.

"It is well past time for market forces and technology innovation to disrupt this crazy world."

But he observed a growing trend of cloud-based logistics software providers who are moving well beyond the arcane challenges of e-AWB and connecting the origin and destination logistics partners seamlessly using simple API-based web-services that leverage free and ubiquitous internet communications.

"It is only a matter of time until this silly business in the middle with airline messaging is behind us," DeBenedette said.

Source: Lloyd's Loading List

Maritime

PORT SERVICES TRILOGUE NEGOTIATIONS BEGIN

After the adoption by the European Parliament of its position on the proposed Ports Regulation last 8 March, trilogue meetings started on 18 April between the Parliament, Council and Commission to arrive at a final legislative text.

The negotiations will seek to reconcile the Parliament's position, which reorients the proposed regulation away from across-the-board liberalisation of port services to granting ports the freedom to organise port services as they wish, with the Council's position which greatly reduces the proposal's scope, particularly with regard to financial transparency and national control over market opening.

CLECAT views the European Parliament's position as a rather reasonable compromise, simplifying the proposal to allow those ports which wish to open up market access to port services to do so, and also welcomes the Parliament's provisions on financial transparency. Nonetheless CLECAT also calls for removal of the exemption for cargo handling, as 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.

EUROPEAN COMMISSION CLEARS CMA CGM BID TO BUY APL

The European Commission's Competition Directorate has cleared CMA CGM's acquisition of Singapore line APL and its parent company, NOL – with the proviso that it withdraws APL from the G6 alliance.

The Commission said it had studied the effects of the merger on the competitive landscape of some 17 shipping trades connecting Europe with the rest of the world – examining both the enlarged CMA CGM, as well as the market position of the new company, if APL had retained its membership of the G6 Alliance and CMA CGM remained part of the O3 Alliance. It concluded that the transatlantic and Europe-Middle East trades could have been subject to a distortion of competition.

The EC added that the merger would also see some consolidation in the respective lines' terminal operating divisions, although the combined market share of their terminals would have little effect on the market.

The full article is available here.

PORT LABOUR: COMMISSION REFERS SPAIN TO THE COURT OF JUSTICE FOR THE SECOND TIME

The Commission has decided to refer Spain to the Court of Justice of the EU for failing to comply with a previous judgement of the Court concerning freedom of establishment at Spanish ports (a judgment of 11 December 2014 in the case C-576/13). In this judgement, the Court found that the obligations for cargo-handling companies in Spanish ports to register with a 'pool company' and to hold shares in that company and to employ as a priority workers provided by that company run counter of Article 49 of the Treaty on the Functioning of the European Union. To date, Spain has not adequately addressed the issues identified in the Court's judgment; therefore, the European Commission has decided to refer Spain to the Court of Justice of the EU for failure to comply with the judgement of 11 December 2014. The Commission invites Spain to rapidly undertake the necessary reforms in order to comply with this judgement; otherwise, the Court may decide to impose financial penalties on Spain.

In December 2014, the Court of Justice ruled that the Spanish legislation on dock labour, conflicts with the freedom of establishment as enshrined in Article 49 of TFEU. It obliges undertakings of other Member States wishing to exercise the activity of cargo-handling in Spanish ports of general interest to register with the Dockers' Management Public Limited Liability Company (in Spanish: 'Sociedad Anónima de Gestion de Estibadores Portuarios', SAGEP) and to hold shares in this company. Moreover, cargo-handling companies are obliged to employ as a priority workers provided by this company.

The Spanish authorities had until February 2015 to communicate to the Commission on measures taken to comply with the Court's judgement. Today, no measures complying with this judgement have been taken and no clear timeframe for the implementation of such measures has been communicated to the European Commission.

Source: Commission press release.

NO NEW ACTION NEEDED ON BOX WEIGHING, US DECLARES

The US Coast Guard has determined that existing US laws and regulations for providing verified container weights are equivalent to the requirements in the International Maritime Organization (IMO)'s SOLAS Regulation VI/2.

The Coast Guard has written to the IMO outlining its determination that its current regulatory regime "provides for other entities within the container export chain to work in combination with the shipper to determine and verify container weights, and it provides ships' masters with container weights in order to ensure ships are loaded and operated safely".

It added: "This equivalency acknowledges the dynamic and flexible business relationship between the entities in the export chain, and it provides flexibility for these entities to reach arrangements in order to ensure compliance with the SOLAS amendments that come into effect on 1 July 2016."

Among the accepted methods, the USCG has formally recognised a method proposed by shippers in which "the shipper and carrier reach agreement whereby the shipper verifies the weight of the cargo and packing material, and the container's tare weight is provided and verified by the carrier".

The USCG added: "For the purposes of determining the VGM of a container, any equipment currently being used to comply with Federal or State laws, including the Intermodal Safe Container Transportation Act and the container weight requirements in 29 CFR 1918.85(b), are acceptable for the purpose of complying with SOLAS. The Coast Guard, in the normal course of vessel inspections under its flag state and port state control authorities, will continue to verify that ships' masters receive the VGM of containers in order to ensure that ships are loaded safely and operate within their structural and stability safety limitations."

In March, statements by a senior USCG official that compliance guidelines were not mandatory and did not need to be adhered to in the US, led to concerns among shippers and the IMO that the 170 member-state signatories to SOLAS may develop significantly different methods of implementation.

However, this latest determination by the USCG has been welcomed by US shipper association National Industrial Transportation League, Lloyd's List reports.

CLECAT has called for recognition by national authorities of certified weighers based on existing requirements, such as those already in place in the United States.

Source: Lloyd's Loading List

Sustainable logistics

MAKING TRANSPORT MORE GREEN AND INCLUSIVE

CLECAT will attend the 2016 edition of the ITF Annual Summit that will take place on 18-20 May in Leipzig, Germany, to exchange ideas and share insights on "Green and Inclusive Transport".

Together with more than 80 high-level speakers from all transport modes and from around the world, ministers from ITF's 57 member countries, heads of international organisations, as well as captains of transport industry, academia and media will exchange their perspectives on how to shape a low-carbon, green and inclusive future for the transport sector.

The Summit's rich programme will offer a unique opportunity for participants to engage in inspiring discussions throughout more than 26 sessions, 20 interactive debates, 8 side events, as well as 5 technical tours, social and networking events.

CLECAT, FIATA, ESC, IRU and Smart Freight Centre (SFC) will organise a side event on the last day of the summit to explore opportunities for business and governments to work towards 'smarter freight'. The programme is available here.

The private sector must do the heavy lifting in realizing low carbon, efficient and competitive freight ("smart freight"). However, governments must help to overcome market and policy barriers to accelerate the uptake of solutions and innovation.

Program details are available at: http://2016.itf-oecd.org/business-and-government-smarter-freight
The latest information on the ITF Summit programme, speakers, and registration details are available here.

GREEN TRANSPORT TARGET WILL BE SCRAPPED POST-2020

EU laws requiring member states to use "at least 10%" renewable energy in transport will be scrapped after 2020, the European Commission confirmed, hoping to set aside a protracted controversy surrounding the environmental damage caused by biofuels.

The European Commission will table a revision of the Renewable Energy Directive at the end of 2016, aiming to further push renewable sources like wind and solar across the European Union. On transport, "we will look specifically at the challenges and opportunities of renewable fuels including biofuels", said Marie Donnelly, Director for Renewables at the European Commission.

The current directive, adopted in 2008, requires each EU member state to have "at least 10%" renewable energy used in transport by 2020 – including from biofuels and other sources like green electricity. This has drawn criticism in the UK, where reaching the 10% target will require doubling current biofuel supply, adding a further penny per litre on pump prices, according to a leaked memo by the Department for Transport.

But the 10% target will be dropped in the new directive, Donnelly told a breakfast seminar organised at the European Parliament on 3 May. "What's not going to be in the text is a target for the transport sector," she said, confirming a decision by EU leaders in October 2014 to have only one target for renewable energies across the 28 EU member states that "will not be translated into nationally binding targets".

"The continuation of the sub-target for the transport sector is something that has not been accepted and will not be continued in our proposal at the end of this year," she told the event, organised by Kaidi, a Finnish firm producing biodiesel from wood-based biomass.

First generation biofuels – those derived from food crops – have been at the centre of an intense controversy regarding their effects on the environment, with scientists warning they contribute to deforestation and food scarcity.

A recent study for the Commission found the indirect land use change of biofuels to be bigger than previously thought, leading environmentalists to warn they are more polluting than fossil fuels, a claim strongly refuted by the industry. Hoping to end the controversy, EU legislators passed a separate directive last year to reduce the indirect land use change of biofuels. The new law limits to 7% the use of harmful biofuels which compete with crops grown on agricultural land, while allowing member states to set lower national limits. It also sets an indicative 0.5% target for so-called second generation biofuels, whose contribution would count double towards the 10% renewable energy target for transport.

Full article available at EurActiv

Forthcoming events

CLECAT MEETINGS

Maritime Logistics Institute

18 May, Brussels

Customs and Indirect Taxation Institute
10 June 2016, London

Board/General Assembly
22 June 2016, Rotterdam

Rail logistics institute
22 June 2016, Rotterdam

Road Logistics Institute
20 October, Berlin

Sustainable Logistics Institute
20 October, Berlin

Supply Chain Security Institute
21 October, Berlin

Air Logistics Institute
21 October, Berlin

OTHER EVENTS WITH CLECAT PARTICIPATION

European Rail Summit
10 May, Brussels

Contact Group UIC /FIATA Meeting
12-13 May, Shenzhen, China

ITF 2016 Summit on Green and Inclusive Transport
18-20 May, Leipzig, Germany

ECASBA seminar
26-27 May, Lisbon, Portugal

ELP event on the impact of migration on transport
1 June, Brussels

ESPO Conference
2-3 June, Dublin

AEA event on Innovation in European Air Cargo
13 June, Brussels

TOC Hamburg
14-16 June, Hamburg, Germany

Workshop for the preparation of EU guidance documents on urban logistics
14 June, Brussels

TEN-T Days and Dutch Presidency Conference
22-23 June, Rotterdam, Netherlands

EP/COUNCIL MEETINGS

European Parliament

Transport and Tourism Committee
12 May, Strasbourg
23/24 May, Brussels

Council of the European Union

6 June 2015 - Transport, Telecommunications and Energy Council

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