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News from Brussels

TRAN EXCHANGE OF VIEWS WITH COMMISSIONER BULC

The Transport Committee of the European Parliament had an exchange of views with Transport Commissioner Violeta Bulc on the state of play of the legislation in the transport policy area on the 23rd May in Brussels.

With regards to the implementation of the ongoing EC Work Programme 2016 as well as the priorities for the Work Programme 2017, she informed Members that the Road initiatives have been delayed. The initiatives will most likely be proposed in March 2017. With regards to access to the market she noted that the Commission does not intend to make major changes, but to simplify the current regulation, following an examination of different interpretations of cabotage in different the Member States. The Commissioner also addressed road charging noting that an integrated, interoperable digital solution is the way forward. The Commissioner elaborated on the need to eliminate the current patchwork and ensure interoperability between tolling systems. Paving the way for interoperable tolling systems in the EU will provide room for digital and technical innovation. In addition she said that

- A Communication on decarbonisation in transport is expected in July
- A Communication on Road Safety is expected by the end of the year
- In 2017, emphasis will be given to the maritime sector with the wish of creating a maritime single market and develop maritime infrastructures (megaships)
- In 2018-2019 the Commission will focus on multimodality and the missing links to integrate the different modes.

The core of the presentation of the Commissioner was about her vision for investment in transport Europa. She addressed the various instruments, including the CEF, Horizon 2020 and EFSI.

As a strong believer of EFSI she noted that she is focussed on making sure that the Investment Plan for Europe, including EFSI, **delivers for the transport sector**: 'To achieve this, we need a strategic plan to support Member States and project promoters to transition from a publicly financed approach towards the use of new financial instruments. This in principle means to create a new investment culture in EU. I am more and more convinced that the **"blending"** of grants with EFSI instruments is an effective way forward. It could also be a smooth bridging between the new and old world. No matter what the project an additional component of grant in a "blending" approach helps fix the funding gap while an EFSI instrument catalyses investments.'



She reminded MEPs on the **TEN-T days in Rotterdam** this year noting: 'For the first time we included a dedicated Investors Conference, where we will kick-off a speed-dating exercise bringing together investors who are prepared to invest in transport and mature projects. Project promoters will face investors directly, receiving a hands-on response. Political support to the TEN-T, CEF and EFSI development will be provided in the form of a **"Rotterdam Declaration"**, which will give impetus to the

completion of the TEN-T core network by 2030, as well as to innovatively financed smart and green infrastructure.'

The full speech of Commissioner Bulc is available [here](#).

Road

SEMINAR ON POSTING OF WORKERS IN FRANCE

CLECAT has been invited to a seminar organised by the French Permanent Representation in Brussels taking place on the 9th June on the entry into force of the new decree regarding the implementation of posting of workers rules applying to the land transport sector.

On 9 April 2016, the French Decree 2016/418 implementing the 'loi Macron' was published in the French Official Journal. This law extends the scope of application of the French Labour Law, and specifically the provisions in relation to posted workers, to international companies in the transport sector. The new decree will enter into force on 1st July. Many questions remain for freight forwarders and carriers.

The text of the Decree in original language is available [here](#).

Rail

EU RAIL FREIGHT: "STILL NOT ON THE RIGHT TRACK"

CLECAT participated to a presentation of the European Court of Auditors on a new report which was published on the 27th May in Brussels. The results did not come as a surprise.

The report found that despite the European Commission's objective of shifting freight from road to rail, rail's share of EU freight has actually declined slightly since 2011. The auditors reviewed the



performance of rail freight transport in the EU since 2000. They visited five Member States – the Czech Republic, Germany, Spain, France and Poland – between mid-2014 and mid-2015.

The EU budget contributed approximately €28 billion to funding rail projects between 2007 and 2013. But despite this and the priority given by the Commission to shifting freight from road to rail, EU rail freight transport has failed over the last 15 years to respond effectively to the competition presented by road, say the auditors. Its performance overall remains unsatisfactory.

The auditors found that shippers clearly prefer road over rail for transporting goods. Although some Member States (such as Austria, Germany and Sweden) have managed to achieve better results, rail freight's average share at EU level has actually declined slightly since 2011. In addition, the average speed of freight trains in the EU is very low (only around 18 km/h on many international routes).

A single European railway area is still a long way from being achieved. The EU rail network by and large remains a system of separate national networks, with various national authorities and very different rules governing path allocation, management and pricing.

Traffic management procedures are not adapted to the needs of rail freight, even within rail freight corridors: freight trains are charged for every kilometre of rail infrastructure they use. This is not always the case for road transport.

The auditors recommend that the Commission and the Member States address the weaknesses observed in rail freight market liberalisation, traffic management procedures, administrative and technical constraints, monitoring and transparency of the performance of the rail freight sector and fair competition between different types of transport.

To make better use of EU funds, they also recommend that the Commission and the Member States match policy objectives more consistently to funding allocations and the selection, planning and management of projects and network maintenance.

The full article is available [here](#).

EC PUBLIC CONSULTATION ON EUROPEAN RAIL NETWORK FOR COMPETITIVE FREIGHT REGULATION

Today 27 May, the European Commission launched a public consultation on the evaluation of Regulation (EU) 913/2010 concerning a European rail network for competitive freight (RFC). The RFC Regulation lays down the rules for the establishment, organisation and management of international Rail Freight Corridors (RFCs), on the main international rail freight routes.

This evaluation has to be seen in the context of a new phase starting for the initial nine Rail Freight Corridors (the establishment of which are foreseen by the Regulation), now that they all became operational. The evaluation will be the basis to determine whether further action is needed in order to improve the policy framework.

The consultation aims at completing the feedback that the Commission already received on the implementation of the Rail Freight Corridors and on its policy, by asking a wide range of questions and addressing a wide range of stakeholders.

In the context of this evaluation, five criteria will be particularly addressed: the relevance of the Regulation, its effectiveness, its efficiency and its coherence.



The consultation will last for 12 weeks. Questionnaires should be returned by 21 August 2016 at the very latest.

CLECAT will discuss its draft response to the Consultation at its Rail Institute meeting taking place on the 22nd June in Rotterdam, in conjunction with the European conference on Corridors (taking place on the 21th June).

More information is available [here](#).

POSITIVE 2015 FOR EUROPEAN COMBINED TRANSPORTS

European Combined Transport Operators realised positive results in 2015: a 0.75% increase in consignments was coupled with a substantial 5.23% increase when measured in terms of tonne-kilometres. In occasion of the year-closing UIRR General Assembly on 19 May, Commissioner Bulc laid out the transport vision of the European Commission and explained in detail its intermodal aspects, which include:

- the strong encouragement of Member States to implement the user-pays and polluter-pays principles,
- 2018-19 to be the years of focusing on linking of modes, multimodality and intermodality,
- DG MOVE will launch a full-scale impact assessment and public consultation to prepare the amendment of Directive 92/106 - the entire sector is urged to actively participate.

Moreover, the Commissioner clarified that the optimal solution to decarbonising freight transport remains a question (electricity vs. oil) to be published in the EU Decarbonisation Strategy expected in July; the energy independence of the EU is a priority. The Commission views digitalisation as holding big potential, the threshold between proprietary (private) data versus what should be made public under the open data initiative will have to be determined.

Source: [UIRR](#)

Maritime

IMO URGES 'PRAGMATIC' APPROACH FOR FIRST THREE MONTHS OF NEW CONTAINER VGM RULES

The IMO has urged regulators to take a “pragmatic” approach to the new SOLAS VGM requirements for the first three months after launch.

The body’s Maritime Safety Committee agreed that while there should be no delays to the July 1 implementation date, it would be beneficial if enforcement agencies took a “practical and pragmatic approach”.

A circular, sent to relevant agencies, noted that a more relaxed approach initially would be particularly beneficial for containers packed before July 1, but transhipped after, and thus reaching their destination port without a verified gross mass.

“It would provide flexibility, for three months immediately after July 1 2016, to all the stakeholders in containerised transport to refine, if necessary, procedures (eg. updated software) for documenting, communicating and sharing electronic verified gross mass data,” noted the advice.



The committee emphasised that the stability and safe operation of ships, including the safe packing, handling and transport of containers, is not limited to the VGM provision.

One forwarder noted, however, that this advice was not binding and that it was not possible to determine which countries, ports and carriers would adopt the “pragmatic approach”. However, he added, the advice helped quell concerns over containers packed before July 1.

Furthermore, all containers packed on or after 1 July will be covered by the VGM requirement. [CLECAT’s Guidelines](#) on implementing the VGM rules provide guidance and best practice on complying with the SOLAS requirements.

Source: [The Loadstar](#)

Customs

VAT EXPERT GROUP’S OPINION ON THE VAT ACTION PLAN

The VAT Expert Group, composed of individuals with the requisite expertise in the area of VAT and organisations representing in particular businesses and tax practitioners which can assist in the development and implementation of VAT policies, adopted an opinion on the VAT Action Plan published by the EC in April 2016 (see CLECAT Newsletter 15/2016).

In its opinion, the VAT Expert Group welcomes the initiative of the EC to further explore possible options for implementing the destination principle in B2B cross-border trade in order to ensure a level playing field between EU cross-border and domestic transactions and at the same time tackling the problem of VAT fraud.

The VAT Expert Group also suggests some recommendations to Member States, Commission and other stakeholders:

- To make effective use of existing measures to tackle VAT fraud in the short term;
- To cooperate to tackle and resolve the problem of VAT Fraud in the EU VAT system in a coordinated approach that is fully compatible with the requirements of the Single Market;
- To actively, timely and efficiently work together in order to create a robust, fair and efficient destination based definitive system for the Single European VAT Area.

The VAT Expert Group opinion is available [here](#). More information on the VAT Action Plan available [here](#).

General

ELP EVENT ON THE IMPACT OF MIGRATION ON LOGISTICS



**European
Logistics
Platform**

The European Logistics Platform will organise a lunch event in the European Parliament on the 1st June. The event will be hosted by Member of the European Parliament Matthijs van Miltenburg.



The current refugee crisis is showing that the lack of a comprehensive EU migration and asylum system seriously affects the European economy. Beyond the human aspects, there is a severe impact on one of the EU's core sectors, transport and logistics. The introduction by some Member States of additional border controls has led to further economic losses for transport and logistics companies within the EU; inevitably undermining the Single European Market.

Michael Nielsen, General Delegate to the EU, IRU will present possible solutions to alleviate the negative impact on the sector. Russell Cowley, Managing Director, Clan International will present how migration has impacted upon transport and logistics companies. Robert Missen from DG MOVE will give the European Commission's perspective.

CEF - MID-TERM EVALUATION PUBLISHED

On 26 May the European Commission published the mid-term evaluation of the Connecting Europe Facility (CEF) which is one of the several mechanisms in place for transport financing. The aim of the evaluation is to report on the progress in achieving the programmes objectives, the efficient use of resources, and its European added value. Detailed information on the mid-term evaluation of the CEF in the transport sector is available [here](#).

FURTHER CONCERNS FOR FRENCH FUEL

Despite the re-opening of a second major distribution depot that had been picketed by protesters, and assurances from the government that the country has reserve supplies in hand, more and more French service stations are reported to be running out of fuel while six of France's eight refineries have either stopped production or are operating partially because of striking workers.

Last Tuesday, French riot police stormed a fuel depot near Valenciennes, in northern France, that had been blocked by protesters, raising hopes that access to supplies in the region, where many UK-bound trucks fill up, could be eased as a result.

Adding to the impact on freight transport, the CGT union, which is orchestrating the protests, has called a two-day national ports strike yesterday and today, that is impacting traffic at France's biggest two container ports, Le Havre and Marseille.

Meanwhile, there are reports that industrial action is also affecting a pipeline near the Port of Le Havre that supplies jet fuel to the Paris airports. However, it is not yet clear whether there is a real threat of airlines running out of fuel.

Lorry drivers, who were at the forefront of industrial action last week, appear to have called off their protests having obtained guarantees that there will be no cut in the rate of overtime which they claim new labour legislation made provision for.

Source: Lloyd Lloyding List. The full article is available [here](#).

Forthcoming events

CLECAT MEETINGS

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

ELP event on the impact of migration on transport

1 June, Brussels

ESPO Conference

2-3 June, Dublin

French Perm Rep Conference on Loi Macron

9 June, Brussels

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

20-22 June, Rotterdam

Rail Freight Corridors' Business Conference

21 June, Rotterdam

UIC Global Rail Freight Conference

22-23 June, Rotterdam

EP/COUNCIL MEETINGS

European Parliament

Transport and Tourism Committee

15/16 June, Brussels

11/12 July, Brussels



Council of the European Union

6 June 2015 - Transport, Telecommunications and Energy Council

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