Newsletter Issue 23 / 12 June 2015

NEWS FROM BRUSSELS

FIRST PLENARY MEETING DIGITAL TRANSPORT AND LOGISTICS FORUM ANNOUNCED

CLECAT received this week the notification that it has been selected as member of the Digital Transport and Logistics Forum (DTLF).

The Commission decided in April to establish a group of experts on electronic information exchange to support transport and logistics processes, the DTLF. The group will assist the Commission in its activities and programmes to foster more efficient electronic exchange of information in transport and logistics, with the objective of removing technical, operational and administrative barriers between and within transport modes. It will bring together Member States, stakeholders from all transport modes and logistics communities including freight forwarders and shippers.

The DTLF may set up sub-groups to examine specific questions. The first Plenary Meeting will take place on the 1st and 2nd July in Brussels.

NEXT ELP LUNCH EVENT ON 17 JUNE ON AUTOMATISATION IN ROAD FREIGHT TRANSPORT

The ELP organises on Wednesday 17th June a lunch debate hosted by Inés Ayala Sender MEP on better use of infrastructure through automatisation in road freight transport. Speakers are Claire Depré, Head of unit Intelligent Transport Systems in DG MOVE, Bastiaan Krosse from TNO and Peter Kronberg, Safety Manager from Volvo.

The ELP lunch event will debate concrete aspects with regard to the implementation of Intelligent Transport Systems and automatisation in road freight transport. It showcase the platooning pilot which currently being tested in the Netherlands and other emerging technologies which will lead to less road congestion, less traffic accidents, road casualties and, last but not least, massive savings of fuel. The European Commission will address the ongoing work for the Cooperative Intelligent Transport Systems (C-ITS) in the EU and how automatisation can support better use of infrastructure. Registration is still possible by sending an email to INFO@EUROPEANLOGISTICSPLATFORM.EU

ROAD

EU PILOT ON IMPLEMENTATION OF CABOTAGE REGULATION IN SWEDEN

Following complaints from the Swedish International Freight Association (SIFA) the Commission has started an EU pilot on the Swedish framework for assessing the legality of road cabotage operations.

Sweden recently adopted law implementing Regulation No 1072/2009, which entered into force on 1 January 2015. The EU Pilot notes that 'according to information provided to the Commission the new Swedish legislation and the actual practice of application thereof by the Swedish authorities appear to run counter to certain provisions of Regulation No 1072/2009.' The Commission has 3 issues of concern on the implementation of Regulation No 1072/2009:

The first issue concerns the implementation of Article 8(3) of Regulation No 1072/2009 in relation to the requirement of producing clear evidence of cabotage operations carried out by non-resident hauliers. The Commission has learnt that pursuant to Swedish legislation national enforcement authorities require that all supporting documents to cabotage operations are provided by the drivers on the spot at roadside checks. The Regulation does not impose any specific requirement for the above mentioned documents – which otherwise can be available for example at the operators' premises – to be presented immediately at the time of the check. Requiring drivers to have all the supporting documents on board the vehicle can therefore constitute a new requirement not foreseen in Regulation 1072/2009 (see, in particular, Article 8.4 thereof).

The second concern relates to the level of the penalties associated with cabotage infringements in Sweden, applicable pursuant to the new Swedish legislation. According to the information available to the Commission, in the situation where a driver cannot confirm the legality of the cabotage operation, this operation is assumed to be illegal and is subject to an immediate sanction fee of SEK 40.000.

The third concern relates to the implementation of Article 8(2) of Regulation No 1072/2009 on the applicable rules on cabotage periods. According to the information available to the Commission, the Swedish police interpret the timeframe enshrined in Art. 8(2) of Regulation No 1072/2009 as starting from the moment the driver enters into the country in the course of an incoming international carriage. According to the aforementioned Article "*Once the goods carried in the course of an incoming international carriage have been delivered, hauliers…shall be permitted to carry out…up to three cabotage operations*" following that international transport. The legal timeframe for carrying out these cabotage operations is defined to commence "*from the last unloading in the host Member State in the course of the incoming international carriage*" and not from the moment the driver enters into the country in the course of an incoming international carriage. Therefore, the Pilot notes that the practice of the Swedish police seems to be contrary to Article 8(2) of Regulation No 1072/2009.

Sweden has until the 17th August to provide a response to the European Commission.

Norway introduces Minimum wages to Foreign Drivers in Norway

CLECAT has been informed by its member, the Swedish International Freight Association, on a new regulation on Norwegian minimum wages voted and decided upon by the Norwegian Committee on labour tariffs (Tariffnemda) on the 28th May. The rule will come into effect as of July 1st 2015.

In accordance with the new Norwegian Regulation on minimum wages, drivers of vehicles exceeding 3.5 tons will be entitled to a minimum wage of NOK 158,32 (€18,23 as of June 2nd, 2015) per hour. This Regulation will be applicable for cabotage and/or international transports to/from Norway where there is a loading and/or unloading in Norway.

According to Article 2 of the Norwegian Regulation, the Regulation shall be applicable to foreign drivers employed by non-Norwegian entities who are posted in Norway. However Article 2 also states that this shall not be the case if *“the employer is posted to a company or entity within the same corporate group” or is posted by a non-Norwegian contracting agency*. Tommy Pilarp, Senior Legal Counsel of the Swedish International Freight Association, (SIFA) is seeking clarifications from the Norwegian authorities if the Regulation will apply or not when a non-Norwegian forwarder or haulier posts a driver in Norway to carry out or perform transport services working for or on behalf of a Norwegian company or entity within the same corporate group of the non-Norwegian forwarder or haulier. CLECAT will keep members informed.

Further information and the regulation can be accessed from the Norwegian government webpage: *HTTPS://WWW.REGJERINGEN.NO/NB/DEP/ASD/ORG/NEMNDER-STYRER-RAD-OG-UTVALG/PERMANENTENEMNDER-RAD-OG-UTVALG/TARIFFNEMNDA/VEDTAK/2015/PROTOKOLL-32015/ID2413722/*

EC REQUESTS GREECE TO APPLY RULES ON THE NATIONAL REGISTERS FOR ROAD TRANSPORT

The European Commission has requested Greece to correctly apply EU rules concerning the interconnection of national registers for road transport (Regulation (EC) No 1071/2009). EU legislation is necessary to ensure a uniform application by Member States of the criteria used to authorise access to the occupation of road haulage operator or road transport operator, and in this way favour the completion of an internal market in road transport with fair conditions of competition.

National registers and their mutual interconnection should have been in place since 31 December 2012. The request was sent in the form of reasoned opinion under the EU infringement procedure. Greece now has two months to notify the Commission of the measures taken to fully comply with the relevant EU rules, otherwise the Commission may decide to refer Greece to the EU Court of Justice.

Source: DG MOVE Newsletter, 8/06/2015

MARITIME

INLAND WATERWAY VESSELS: COUNCIL AGREES ITS POSITION

The Council on 11 June 2015 agreed a GENERAL APPROACH on proposed technical requirements for inland waterway vessels. In the future, such technical standards will be developed in the European Committee for drawing up Standards in Inland Navigation (CESNI). The standards drawn up by CESNI will automatically apply in their up-to-date version.

The reform will simplify and speed up procedures, in particular to adapt standards to technical progress. This should ensure a high level of safety, and encourage innovation and investment in new technologies. The new framework will provide legal certainty and be easier to use by member states' national administrations. The standards themselves are not changed by the proposal under discussion.

The draft directive is one of the measures aimed at making a better use of Europe's rivers and canals, and in particular getting more freight onto them (NAIADES II package).

There are currently two different inland navigation certificates operating in the EU: the EU certificate and the Rhine certificate. The system of two certificates will continue but it will be much easier to maintain the equivalence between them.

The new CESNI committee was set up under the auspices of the Central Commission for Navigation on the Rhine (CCNR) on 3 June. It will be open to experts from all EU member states. At the same time it will be able to draw on the expertise that the CCNR has built up over the years in developing and updating technical requirements.

The draft directive will only apply to member states in which inland navigation is used to a significant extent. The following member states are not required to implement it: Denmark, Estonia, Ireland, Greece, Spain, Cyprus, Latvia, Malta, Portugal, Slovenia and Finland.

The draft act, which revises the existing directive from 2006, needs to be approved both by the Council and the European Parliament. The Parliament adopted its first-reading opinion in April 2014.

Source: Council Press Release

EU SHIPPING INDUSTRY CALLS FOR AN AMBITIOUS TTIP CHAPTER ON SHIPPING

The European Parliament postponed its vote, scheduled for Wednesday 10 June, on its much-debated recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP). The decision to postpone the vote was the result of the large number of amendments tabled for the plenary vote, stemming from divisions within the Socialists and Democrats group over the agreement's Investor-State Dispute Settlement clause which allows investors to contest government decisions which may have an impact on their economic activity.

The draft to be adopted during the plenary session was prepared by the Parliament's International Trade (INTA) Committee, in coordination with other parliamentary committees. Among the many recommendations put forward, MEPs call on the European Commission to meaningfully address and remove the current US restrictions on European maritime transport services as a result of US legislation. This includes restrictions under the so-called 'Jones Act', a 1920 Act which regulates maritime trade in US waters and between US ports.

Prior to the scheduled vote, ECSA issued a statement supporting the INTA Committee's position, expressing hope that MEPs would understand the importance of asking the European Commission to negotiate on this important issue.

Dutch MEP and rapporteur of the Transport Committee opinion on the INTA report, Mr Wim van de Camp echoed these calls on MEPs to uphold the INTA position: "Many aspects of the text have been highly controversial and the focus of intense negotiations. US shipping services restrictions are however not among the contentious issues for Europe. The US and the EU are currently negotiating a major trade deal, which should also include an agreement on shipping services and the US restrictions thereupon."

Commenting on the way forward, ECSA Secretary-General Patrick Verhoeven said: "Opening up the US market would not only be beneficial to EU operators. US consumers and the US economy alike stand to profit from more competitive shipping services."

The European Commission would however face an uphill battle, as the US administration is generally opposed to the idea of abolishing these restrictions. It is therefore important to find alternatives which will allow for some easing of the US rules.

"Although European shipowners are not after US domestic cargoes, the US government's position on these measures dictates a more pragmatic approach. Red lines could be bypassed by offering EU operators preferential treatment, which is a much more plausible win-win scenario. For instance, waivers for international feedering and offshore operations could be envisaged as feasible solutions" he added. The fresh vote is expected to take place after the summer recess.

Source: ECSA News, 9/06/2015

RAIL

TRANSPORT COUNCIL RECEIVES PROGRESS REPORT ON 4TH RAILWAY PACKAGE

The Transport Council meeting on 11 June received a progress report on discussions on the market pillar of the Fourth Railway Package. Since January, the Council has been discussing compromise proposals tabled by the Latvian Presidency of the Council.

The compromise proposals include:

- reinstating the notion of 'essential functions' which would be subject to the strongest independence requirements,
- revising the definition of vertically integrated undertakings by making reference to control rather than ownership,
- clarification that infrastructure managers that are owned or controlled by the same Ministry or other public body as a railway undertaking, but organised as two fully separate undertakings, can be considered as a separated structure,
- definition of specific rules to ensure impartiality as regards traffic management and maintenance planning.

According to the progress report, Member States have generally welcomed the reintroduction of the notion of 'essential functions' and, while some maintained a reserved position, the approach of defining independence requirements more in relation to functions of infrastructure managers than in relation to organisational structures was widely supported. While several Member States were generally in favour of defining a core of common rules applicable to separated and integrated structures, several other delegations expressed concerns that this approach might result in overregulation for separated structures.

Member States with a structure where railway undertaking and infrastructure manager are under the control of the same ministry but organised as two fully separate entities, welcomed the clarification that such structures could be maintained and would be subject to the rules for separated structures.

Member States with structures in which there is shareholding between a holding and a railway undertaking and infrastructure manager, but no effective control, were in favour of the revised definition of 'vertically integrated undertaking'; at the same time, several Member States indicated that additional work may be needed on the definition of 'vertically integrated undertaking' to ensure legal certainty.

The Presidency suggests that it may be possible to extend the possibility of outsourcing to essential functions, provided that these functions are performed by a body that is independent of any railway undertaking. The possibility of allowing the infrastructure manager to outsource non-essential functions to railway undertakings, in order to reduce maintenance costs on low-traffic lines, could also be assessed.

QUESTIONNAIRE ON "INFORMATION ABOUT LAST MILE INFRASTRUCTURE FOR RAIL FREIGHT"

In the context of the EU funded study "User-friendly access to information about last-mile infrastructure for rail freight" an online survey has just been launched. The aim of the questionnaire is to gather information on the user needs, supplier needs but also potential constraints that may be faced in the development of a pilot information portal.

The structure of the European rail freight market has profoundly changed over the past decades with the separation of network management and train operation in most countries, new market entrants appearing etc. This situation is particularly challenging for last-mile operation. DG Move has therefore taken the step to help the market with a customer-oriented web-based portal offering all the necessary information on last-mile infrastructure be it terminals, industrial sidings, stations, shunting yards etc. The deadline to take part to the online consultation is July 3.

The questionnaire is available here

AIR FREIGHT

MORE CARRIERS INTRODUCE ONLINE AIR CARGO BOOKING AS MODERNISATION CREEPS IN

Calls for the air cargo industry to emulate its passenger cousins with online bookings appear to be working. IAG Cargo announced it would roll out an e-booking system allowing customers to complete a shipment order in less than three minutes. The carrier launched the platform in Spain, where it now accounts for 15% of bookings for Iberia, acknowledged by the group as its leader of IT.

Forwarders and shippers can book both general cargo and premium products on the system, make multiple bookings and manage all bookings – even those made by phone – online. The company says that it will add more features throughout the year. "The air cargo industry is going through a period of rapid digitisation, driven by the need to make operations more efficient and customer friendly," said Angel Cabeza Rivas, head of IT at IAG Cargo.

The move follows that from Etihad, which last week announced that WCA members and Etihad Cargo loyalty members which use the WIN e-platform for bookings and e-AWBs, will enjoy a reduced rate. In past years, multiple quotation and booking platforms for both carriers and forwarders have sprung up, from last year's portal launch by Swiss WorldCargo, to Kuehne + Nagel's FreightNet and independent quoting platforms for shippers, such as Freightos. Another innovation comes from CHAMP, the IT company whose sticky tentacles seem to stretch widely through the industry. It has launched an online booking platform for its airline customers on CargoUpdate, its messaging and notice board. Currently restricted to four carriers, it hopes to roll out bookings for more of its carriers in the future.

Source: The Loadstar, 9/06/2015

AIR FREIGHT TRAILING IN HI-TECH REVOLUTION, DESPITE THE RENEWED CALLS FOR CHANGE

The air cargo industry continues to lag in technology and data sharing, according to "disappointing" IATA figures. For the second month in a row, the global penetration of e-AWBs has fallen. To reach IATA's target of 45% penetration by the end of the year, there must be about 2% growth per month. Yet it fell 0.7%, month on month, in March and 0.3% in April. The news came as IATA ended its e-cargo and technology conference, at which the industry was urged to bring about change quickly. "The key take-away message was that the industry needs to accelerate the transformation process, and we need disruptive innovation and change management to make this happen," said IATA in a statement.

"Delegates renewed the pledge to drive e-AWB and Cargo-XML, but also identified the urgent need for air cargo to transform the way it manages and shares information. This means building a new network of interconnected, and interoperable, data platforms to manage core industry processes. An evolution has started, however it will require more leadership and collaboration across the entire industry."

Co-operation is key, according to Luc Scheidel, commercial director for Amsterdam's Cargonaut system. Despite the fall in penetration, March volumes rose to the highest growth in the last 12 months, with the usual suspects of Cathay Pacific, Emirates and Air France-KLM leading the way. While most companies are aware of the advantages, some still find that they do not have sufficient resources to prioritise e-freight. IATA is now considering how it can support smaller companies, and is eyeing the launch of a cheap and simple IT product – news that has not been greeted warmly by the increasingly competitive IT industry.

Source: The Loadstar, 8/06/2015

IATA CALLS FOR DEEPER PARTNERSHIP WITH GOVERNMENTS

The International Air Transport Industry (IATA) advocated for an even deeper partnership with governments based on global standards in the critical areas of safety, infrastructure, security, regulation, and environment.

"Aviation is built on partnerships and the relationship with governments is key. Airlines and governments are well-aligned on safety. But in other areas of government responsibility—infrastructure, security, regulation, and environment—there are opportunities for a deeper partnership," said Tony Tyler, IATA's Director General and CEO. The call came in Tyler's Report on the Air Transport Industry to the 71st IATA Annual General Meeting and World Air Transport Summit, which is being held in Miami.

"For nations, connectivity is much more than a competitive advantage. It is an economic necessity. And aviation's intangible benefits make it a force for good in the world. So there is a tremendous common interest with governments to support safe, efficient, and sustainable global connectivity that only air transport can provide," said Tyler.

Tyler expressed the industry's longstanding frustration at the slow pace of progress on the Single European Sky (SES). "The initiative languishes. States are paralyzed by self-interested national organizations, which show no regard for the impact of their inefficiency on economies or consumers," said Tyler.

IATA also advocates for Smarter Regulation aligned with global standards. "Our message is that regulation needs to be Smarter. To start, the benefits of any regulation must outweigh its costs. It should be consistent with global standards, proportional, well-targeted, fair, and clear about what is expected. These common sense principles are best achieved through a process of rigorous consultation that includes a focus on keeping the compliance burden to a minimum," said Tyler.

Lastly, Tyler urged governments and industry to stay focused on global solutions to manage aviation's carbon footprint in the run-up to the ICAO Assembly next year. "We've always understood that our common interests and those of the environment are best served by a united industry position and a global approach. We are at the forefront of industries addressing climate change with clear targets to improve fuel efficiency by 1.5% annually to 2020, to cap net emissions with carbon-neutral growth from 2020, and to cut net emissions in half by 2050 compared with 2005," said Tyler.

These goals are being pursued with a four-pillar strategy based on improved technology, more efficient operations, better infrastructure, and an effective, global market-based measure.

Source: IATA Press Release, 8/06/2015

CUSTOMS

Russian Federation announces the "resolution of the situation with TIR Carnets"

The Federal Customs Service of the Russian Federation has announced that the cooperation between Russian Customs and the TIR guaranteeing association ASMAP has been restored in line with the 2004 TIR guarantee agreement. Moreover, the Federal Customs Service has noted that a list of border crossing points open to the TIR procedure has been defined "in accordance with current and future workload, existing infrastructure to allow transport without queues and timely deliveries".

The has IRU welcomed this development and looks forward to working closely with all competent Russian authorities and ASMAP to make the TIR System even more secure, more competitive and more transparent in the future.

The exact list of border crossing points reopened for the TIR procedure has not yet been published.

SUSTAINABLE LOGISTICS

Update from the Global Logisitcs Emissions Council

CLECAT is meeting the Global Logistics Emissions Council next week in Brussels to discuss further initiatives and cooperation as CLECAT is a supporting member of GLEC.

A few news-items which CLECAT would like to share with members:

Consultation on the Base GLEC Framework
CLECAT members still have time to contribute in updating the Base GLEC Framework. The initial consultation period is open until June 15th - comments and suggestions are welcome via the online response template at www.theglec.org/main/information.

Validation of the Base GLEC Framework

In order to better understand how the GLEC Framework will operate in the company setting, SFC is conducting a series of case studies with volunteer member companies from both shipper and logistics service provider perspectives. The case studies aim to validate GLEC from multiple perspectives: the feasibility of application within real world supply chains, the practical availability of data, and the usefulness of results for low carbon supply chain optimization.

Transhipment Centres, Terminals & Warehousing

Emissions from goods storage and handling elements have been identified as a specific gap in the main emission calculation methodologies as currently applied at transport chain level; for example in the European standard EN 16258 where this is acknowledged alongside the need to fill the gap. Work in this area has been highlighted as a priority for GLEC in 2015 and work has now started on that process. The aim is to work towards a mechanism that can apply to all the different types of terminal, including warehousing.

For more info look at the renewed website: http://www.smartfreightcentre.org/.

FORTHCOMING EVENTS

CLECAT MEETINGS:

Customs and Indirect Taxation Institute
- 26 June 2015, Ljubljana

Air Logistics Institute
- 13 October 2015 (morning), Brussels

Supply Chain Security Institute
- 13 October 2015 (afternoon), Brussels

Road Logistics Institute
- 14 October 2015 (morning), Brussels

Sustainable Logistics Institute
- 14 October 2015 (afternoon), Brussels

Maritime Logistics Institute
- 18 November 2015, Brussels

CLECAT Freight Forwarders Forum
- 19 November 2015

OTHER EVENTS with CLECAT PARTICIPATION

ELP event - Better use of infrastructure through automatisation in Road Freight Transport
- 17 June, EP Brussels

EC Conference “Driving Road Decarbonisation Forwards”, Brussels
- 18 June 2015

Workshop on co-operation between EU Rail Freight Corridors and OSJD Corridors, Brussels
- 18-19 June 2015

CORE/EUROSKY Exploitation workshop
- 18 June, Brussels

Digital Transport and Logistics Forum
- 1- 2 July 2015, Brussels

ALICE Plenary & IPIC conference

- 6-7 July, Paris

FIATA Working Group Road Transport meeting

- 25 August 2015, Varna Bulgaria

FIATA 2015 World Congress

- 8 – 13 September, Taipei

FERRMED Conference, Brussels

- 12 November 2015

EU meetings

European Parliament

Plenary Session

- 24 June 2015, Brussels

Transport Committee

- 15 June 2015, Brussels, (afternoon)
- 16 June 2015, Brussels, (morning and afternoon)
- 29 June 2015, Brussels

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