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

NEWSLETTER

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News from Brussels

SLOVAK PRESIDENCY STARTS TODAY

As of today, 1 July 2016, Slovakia will assume the six-month Presidency of the Council of the European Union. The Slovak Presidency begins at a time when the Union is facing unprecedented challenges: the result of the UK Referendum calls for discussion on the future of the Union, the continuing migration crisis raises questions converning the integrity of the Schengen area, the recent terrorist attacks in Paris and Brussels have highlighted weaknesses in the area of internal security and the consequences of the economic and financial crisis are still affecting the economies of the EU Member States.

Despite these challenges and growing uncertainty, the Slovak Presidency is putting forward a positive agenda and seeks to promote sustainable solutions. With regards to the transport agenda, the Slovak Presidency seeks to take the debate on the proposals in the different transport areas forward, aiming to contribute to the realisation of the single European transport market. The Presidency's priorities in the transport field include: progressing in negotiations for comprehensive air transport agreements with strategic partner countries; coordination of the EU's position on a global market-based measure for aviation emissions at the 2016 ICAO Assembly; trilogues on the proposed Directive on recognition of professional qualifications in inland waterway transport; revision of the European Maritime Safety Agency Regulation; and approval of the EU's position on preparation of a new Convention of the Organisation for Cooperation between Railways.

The dedicated website of the Slovak Presidency is available here. The work programme and priorities of the Slovak Presidency are available here.

Road

POSTING OF WORKERS IN FRANCE A REALITY FROM TODAY

The French government published yesterday the model 'certificate related to the posting of a worker', the document that has to be in the cabin of foreign trucks that enter France for cabotage or international transport , along with a copy of the work contract of the driver.

As of today controls will be increased according to the French government.

All transport companies that perform international journeys in and out of France or cabotage journeys within French territory by road and inland navigation will now have to comply with the arrangements put in place by the new French labour law from April this year concerning enforcement of the national minimum wage, which in France is €9.61 per hour.

From today, all companies will need to issue a certificate, filled out by the employer, containing information related to the mobile worker, to their employment contract, the mobile worker's salary and expenses, and the company's entry in their national register. The form is drawn up in two copies, one is given to the posting worker to be kept in the vehicle which the service is provided with, and the other is kept by the borrowing company of the road or inland waterway transport mobile worker.

In case of non-compliance with one or more of the conditions above mentioned, the law foresees the following fines: €750 if the certificate is not present on vehicle, €450 if the employment contract is not present on vehicle, €2000 per worker if no certificate nor Representative in France.

Further information is available on the website of the French ministry. Documents and information are now available in 8 different languages.

On 16 June the European Commission decided to take legal action against France and Germany owing to the consequences of the application of their respective minimum wage legislation to the road transport sector. (See Press Release). In view of this, the French authorities may decide not to issue fines but this has not been formalized and unnecessary fines are not excluded. Information to the sector was given at the very last moment, and as such transport companies have had hardly any time to prepare themselves for the registration obligations.

CLECAT's German member association DSLV issued a critical Press Release today on the implementation of the minimum wages regulation in Europe. DSLV - Chief Executive Frank Huster said: 'the minimum wages legislation for international transport which started in Germany is spreading its way in Europe. New administrative hurdles increasingly close our national markets, cross-border traffic is being hampered increasingly in the European internal market, whereas we should simplify the rules instead."

DSLV welcomes the legal action already taken against Germany in May 2015 but is hoping that the European Commission starts acting faster, since these 'solo-initiatives' of Member States completely ignore the realities in the labour market and the international logistics industry. "Brussels must quickly create clarity," asks Huster.

CLECAT had hoped that before proceeding with Loi Macron implementation, the French authorities would have waited for the outcome of the European Commission's investigation into the German MiLoG case, as the two initiatives are based on the same concept. CLECAT continues to call for a quick conclusion of the European Commission's investigation.

Maritime

NEW GSF/WSC/TT CLUB/ICHCA GUIDANCE ON SOLAS IMPLEMENTATION

With the SOLAS Container Weighing Amendment coming into force today, 1 July, the Global Shippers Forum (GSF), the World Shipping Council, the TT Club and the International Cargo Handling Co-ordination Association (ICHCA) have issued updated advice.

The guidance provides supplementary clarification on a number of questions with regard to implementation of the SOLAS Verified Gross Mass (VGM) requirement. Notably for freight forwarders it states that a freight forwarder, duly authorised by the shipper to obtain and sign the VGM, may communicate it to the carrier and terminal operator. It does not exclude the possibility for the forwarder to obtain the VGM on a back-to-back basis from the original shipper. This would be in line with CLECAT's own guidance on implementing the regulation. CLECAT urges members to familiarise themselves with this guidance and to follow it in both their own implementation of the rules and in interaction with public authorities. CLECAT will be closely monitoring the situation as the rules start to apply.

The full GSF/WSC/TT Club/ICHCA document may be found here.

COUNCIL AND PARLIAMENT REACH DEAL ON PORTS REFORM

On 29 June 2016 the Council's Permanent Representatives Committee approved new rules to increase the financial transparency of ports and create fair conditions for access to port services across Europe. It confirmed the agreement reached with the European Parliament on 27 June.
More specifically, the draft regulation aims to:

- Guarantee financial transparency and an optimal use of resources. New rules will guarantee a greater transparency regarding ports charges and the use of public funding. This will give investors more confidence, ensure fair competition between ports and stimulate public investments. More investments in ports will result in more jobs and more wealth. The port sector currently employs 469,000 people directly and helps sustain 3 million jobs. This should improve the quality and efficiency of port services and boost investment in ports, so that they can adapt to current and future transport and logistics requirements.

- Ensure high-quality services at European ports. New requirements for the professional qualifications of personnel, and makes the access to the market of port services easier and more transparent. Ports are able to organise services as they wish, but may impose restrictions based on minimum requirements, limitations of the numbers of providers, public service obligations or restrictions related to internal operators. Cargo handling remains exempt from the market access provisions.

- Improve the governance of European ports. Ports will have more autonomy, for example to define their infrastructure charges. Port users and stakeholders will nevertheless be consulted on important decisions impacting the port activities. Finally mechanisms to handle disputes and complaints should be set up, so as to avoid costly litigation procedures.

Moreover, the new rules would also help to improve the integration of maritime transport with other transport modes, thereby contributing to more environmentally friendly transport.

The Dutch Minister for Infrastructure and the Environment, Melanie Schultz van Haegen, said: "I'm proud of the result we have achieved during the Dutch presidency, together with the European Parliament and the Commission. With this regulation we take the first necessary steps towards a common framework for port services as well as financial transparency, which is essential in promoting a level playing field across Europe and strengthening the competitiveness of European ports."

The European Commission welcomed the agreement. EU Commissioner for Transport Violeta Bulc said, "Seaports are the entry nodes of the internal market, and a key factor of Europe's connectivity and trade. A strong and competitive port sector is therefore essential to our economy. The agreement we reached today will deliver better port services and create a smarter regulatory environment. This will help attract well-needed investments and guarantee that European ports can make the most of the opportunities under the Commission's Investment Plan."

CLECAT has been calling for a workable and meaningful Ports Regulation, and therefore welcomes the measures on financial transparency and user consultation, but regrets that cargo handling remains exempt from the provisions on market access.

Source: EU Council and DG MOVE

EU TO ACCEPT ANTITRUST OFFER FROM LINER CARRIERS

Maersk, MSC and 13 other shipping firms are set to escape possible penalties as EU antitrust regulators plan to accept their offer to end a five-year probe, three people familiar with the matter said on Tuesday. The European Commission is likely to announce its decision next month, which means no fine or finding of wrongdoing against the companies, the sources said. Commission spokesman Ricardo Cardoso declined to comment.

The case, which focuses on the way the companies announce price increases, could have repercussions for other sectors such as supermarkets and chemical firms, which use similar methods and are keen to stave off any suspicion of collusive behaviour. While the prospect of no fines will be welcome, greater price transparency is likely to give companies a better idea of their rivals' strategies and also place limits on what types of actions they can take.

The other 13 firms are No. 3 player CMA CGM, Germany's Hapag Lloyd and Hamburg Sud, Taiwan's Evergreen Marine, China Ocean Shipping (Group) Company (COSCO), China Shipping, OOCL (Orient Overseas Container Line), South Korean firms Hanjin and Hyundai Merchant Marine , Japan's Mitsui OSK Lines (MOL) and Nippon Yusen Kaisha, United Arab Shipping Company (UASC) and Israeli company Zim.

The companies in February offered to publish binding actual rates 31 days before they go into effect, with the figures acting as a price cap. The Commission subsequently sought feedback from clients and rivals about the proposal. The pledge would be valid for three years. The case started with dawn raids in May 2011, triggering an investigation in November 2013. Regulators said the liners may have been illegally orchestrating price hikes since 2009 via public announcements of rate increase plans on their websites and in the specialised trade press.

CLECAT submitted comments to the Commission regarding the lines' commitments, supporting the principles of transparency in pricing announcements, that pricing decisions be made by individual shipping lines based on their own situations. CLECAT called on the Commission to maintain scrutiny over pricing practices, and also to consider the impact of alliances.
Source: gCaptain

Air

UK TO DELAY AIRPORT EXPANSION DECISION UNTIL AT LEAST OCTOBER

The UK government is set to delay again a decision on airport expansion until at least October due to the fallout from the country's vote to leave the EU. Prime Minister David Cameron had been expected until recently to confirm next month whether an expansion on Heathrow or Gatwick would be approved. But the prime minister's decision to resign after the Brexit vote means the decision on airport expansion will likely be deferred until a new Conservative leader is elected.

Earlier this week, BIFA, the UK freight forwarders' association expressed concern that last week's news that the UK will leave the EU and that David Cameron will resign as Prime Minister would lead to further procrastination over the expansion of UK aviation capacity.

Robert Keen, Director General of the British International Freight Association (BIFA), said: "In December last year, BIFA voiced the dismay of its 1,500 member companies when the government announced that it would be deferring its final decision on expanding UK airport capacity until the summer of 2016." "The UK's freight forwarding community, which is the engine of Britain's international trade, is counting on the government to show that we are a confident, outward-looking trading nation, still capable of taking bold decisions that have a direct positive effect on the UK economy, its international connectivity and reputation."

Responding to the announcement by Transport Secretary Patrick McLoughlin that the Government's response to the Airports Commission's Final Report will be delayed until at least October, Airport Operators Association (AOA) Chief Executive Darren Caplan said:

"The AOA is deeply disappointed that a year on from the Airports Commission's Final Report, the government has announced a further delay to its response to the Commission, until at least October. This is despite the government's firm commitment to decide by the end of 2015, which was then delayed until this summer.

"This additional delay comes at a time when all are agreed that clear action is needed to demonstrate the UK is open for business and confident about its future. At this time of increased uncertainty, the Government should be putting its foot on the accelerator of the UK economy – not delaying making important infrastructure decisions that can help it succeed. We continue to urge the Government to make a decision on airport capacity as soon as possible.

Source: Lloyd's Loading List , BIFA press release

Customs

UCC E-LEARNING PROGRAMME

The European Commission (DG TAXUD) has now published the entire content of the UCC eLearning Programme (level 1 and 2) on its website. The eLearning Programme level 1 which contains an Overview on the UCC (course 1) is available in 21 different languages. The eLearning Programme level 2 comprised 14 different courses on specific customs domain such as entry of goods and temporary storage, binding tariff information, customs valuation, guarantees, transit, etc. These courses are currently available in English only. They provide fundamental knowledge and describe the procedures for each specific customs domain as defined by the UCC.

The UCC EU eLearning programme is developed by DG TAXUD in collaboration with a pool of customs experts from national authorities and the private sector in order to support the implementation of the Union Customs Code (UCC) and its Delegated Act (DA) and Implementing Act (IA), entering into force on 1 May 2016. The programme is addressed to both customs officers and economic operators in the European Union.

The current contents of the programme are available for free (download + courses). The eLearning Programme level 3 has yet to be defined.

More information on the UCC eLearning Programme and all the available courses are available here.

HIGH LEVEL CONFERENCE ON EU CUSTOMS: MAKING A DIFFERENCE IN MODERN TRADE?

CLECAT is one of the organisers of the high level conference on “EU Customs – Making a difference in modern trade?” being organised on 7 September 2016 at 13:30, hosted at the World Customs Organisation in Brussels.

The conference is to be opened by Commissioner Pierre Moscovici who is providing the key note address, and is co-organised by AmCham EU, CLECAT, EuroCommerce supported by EurTradeNet, the European Express Association, the Foreign Trade Association, IATA and the World Shipping Council.

The conference, which will be attended by leading company representatives, industry experts and top regulators, aims to challenge attitudes on the role customs play as an economic driver, both in Europe and on the global market. In particular, participants will seek to identify the areas that hold customs policy and procedure back from playing a more central and positive role in trade facilitation, without undermining the controls necessary for safety, security and equal treatment.

Please contact CLECAT in case you would like to join us at this key event.

Rail

ACTION PLAN FOR THE ORIENT/EAST-MED CORRIDOR

In order to remove bottlenecks and make rail transport between their countries more efficient, Transport Ministers of eight EU countries located along the Orient East-Med Corridor signed a declaration on 21 June 2016 during the TEN-T Days conference in Rotterdam.

TEN-T Coordinator Mathieu Grosch took the initiative for this "Joint ministerial declaration on effective improvements to eliminate bottlenecks and facilitate international traffic on the Orient/East-Med Rail Freight Corridor. “ It includes an action programme to be implemented in the coming months. The declaration has been signed by all countries among the Orient/East-Med Corridor, which stretches from the North of Germany, south-eastwards through the Czech Republic, Austria, Slovak Republic, Hungary, Romania and Bulgaria, to the Southern coast of Greece.

The main goals of the measurements are to improve punctuality and average transit times between the countries for freight trains, as well as to increase the corridor’s attractiveness, transport potential and competitiveness. Coordinator Grosch proposed the significant reduction of average border crossing times to a maximum of two hours of waiting, which is targeted within the declaration until July 2018. Therefore, an in-depth analysis on possible reasons will identify e.g. technical, operational and administrative rules causing avoidable waiting times on the border until 31 December 2016, and the results need to be implemented thereafter.

The Ministers underlined that the corridor capacity needs to be protected as much as possible. Therefore, the deadline for reserve capacity should be lowered in a market-oriented way. Also possible capacity restrictions need to be planned in advance, multi-annual investment plans shall be kept transparent and delays on infrastructure works need to be avoided, they pointed out.

Source: DG MOVE

General

GERMANY TOPS 2016 LOGISTICS PERFORMANCE INDEX

Progress in logistics performance has slowed for the first time since 2007 for the world's least developed economies, while emerging economies that implement comprehensive initiatives continue to improve their performance, according to a new World Bank Group report released on 28 June in Washington.

The latest edition of the Logistics Performance Index, which is a part of the bi-annual report 'Connecting to Compete 2016: Trade Logistics in the Global Economy', ranks 160 countries on their trade logistics performance. The report ranks countries on a number of dimensions of supply chain performance, including infrastructure, quality of service, shipment reliability, and border clearance efficiency. For the third time, Germany is the top performer.

"Logistics performance both in international trade and domestically is central to countries' economic growth and competitiveness," said Anabel Gonzalez, Senior Director for the World Bank Group's Trade & Competitiveness Global Practice. "Efficient logistics connects people and firms to markets and opportunities, and helps achieve higher levels of productivity and welfare. Unfortunately, the logistics performance gap between rich and poor countries continues and the convergence trend experienced between 2007 and 2014 has reversed for the least performing countries."

Among the criteria measuring countries' logistics performance, the report shows that logistics services are improving, however, logistics professionals are the least satisfied with rail, regardless of the countries' income levels. On the border management side, customs agencies got better ratings than all other agencies involved in the process, with those responsible for sanitary and phytosanitary regulations lagging behind.

The logistics agenda has shifted in priorities over the last 10 years, especially as slower trade growth puts pressure on the logistics industry to re-organize its networks and innovate. The scope of policies addressing logistics performance is moving from border issues in trade and transport facilitation to domestic performance concerns. Moreover, the logistics industry and the public sector have to address major challenges such as raising skills and competency levels, and adapting to slower trade growth. Managing the footprint and the sustainability of supply chain is also now a high priority.

The full article is available here. The report can be found here.

GERMAN MINIMUM WAGE SET TO RISE IN 2017

A German commission recommended on Tuesday that the minimum wage in Germany should increase by four percent from January 1, 2017, to €8.84 per hour from the current €8.50. The recommendation was made by an independent commission tasked with setting the minimum wage.

The recommendation is based on a wage index from the statistics office which showed an average 3.2% rise in wages over the last 18 months. Germany's minimum wage, according to law, is revisited every two years.

Forthcoming events

CLECAT MEETINGS

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

2016 FREIGHT FORWARDERS FORUM
16 November, Brussels (morning)

Board & General Assembly
16 November, Brussels (afternoon)

OTHER EVENTS WITH CLECAT PARTICIPATION

T&E Rail Freight Workshop
5 July, Brussels

High Level Conference on EU Customs - Making A Difference In Modern Trade?
7 September, Brussels

European Transport Forum
27 September, Brussels

GLEC event on launch methodology
15 November, Brussels

ELP Forum on the Future of Logistics
15 November, Brussels

2016 FREIGHT FORWARDERS FORUM

16 November, Brussels (morning)

Conference 'Law and logistics: the way forward'

12/13 October 2016, Antwerp

FEPORT Second Annual Stakeholders' Conference

1 December, Brussels

EP/COUNCIL MEETINGS

European Parliament

Transport and Tourism Committee
11/12 July, Brussels
1 September, Brussels

Council of the European Union

14 October 2016 - Transport, Telecommunications and Energy Council

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