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News from Brussels

TRANSPORT MEPS CALL FOR ROAD INITIATIVE

The upcoming road initiatives from the Commission should provide a boost to the transport sector sustainability, safety and innovation and foster technological development of vehicles, alternative fuels and assure access of transport SMEs to the market, say MEPs in a draft resolution adopted by the Transport and Tourism Committee on Tuesday.

“The issues road transport faces need to be firmly addressed by the Commission in its forthcoming proposals: among these, unfair competition between European companies and workers is of utmost urgency” said Karima Delli (Greens/EFA, FR), Chair of the Transport and Tourism Committee.

Transport MEPs call the Commission to develop communications infrastructure both “vehicle to vehicle” and “vehicle to infrastructure” to improve road safety, efficiency and prepare the future of road mobility. The Commission should provide for a suitable regulatory framework for connected

and automated driving as well as for new collaborative business models. The quality of work in road transport needs to be addressed in order to make it more attractive for young people to enter the profession, they add.

Transport MEPs express concern about “socially problematic business practices” related to tachographs and cabotage operations and the so-called ‘letterbox’ companies. The varying interpretations of EU rules and enforcement practices at national level result in disguised self-employment and intended abusive practices or circumvention of existing European and national legislation, they say. This enables the development of unfair competition and exploitation of workers, say MEPs.

MEPs urge the EU member states to step up checks on compliance with driving and rest times and cabotage rules, with dissuasive sanctions. The Commission should speed up mandatory use of digital devices such as smart tachographs to improve monitoring of compliance and review the rules on the right of establishment in order to eradicate “letterbox” companies, they say.

They also raise concerns about whether light commercial vehicles should continue to be exempted from a number of European rules, given the increasing use of these in the international transport of goods. They ask the Commission to present a diagnostic report on economic, environmental and safety impact.

MEPs call on the Commission to create a framework which will ensure non-discrimination and avoid fragmented charging schemes for passenger cars across the EU. They stress that a coherent and non-discriminating road charging system should be proportionate to the use of the road and to the external costs generated by lorries, busses and cars. There is a need to improve use of existing capacities by improving occupancy rate of vehicles, promoting the use of smaller and lighter vehicles, passengers’ car sharing and car pooling, they add.

The draft resolution from the Transport and Tourism Committee now needs to be voted by the full house of the Parliament.

TRAN RESOLUTION ON GERMAN ROAD TOLL

The TRAN Committee also voted on the draft on a resolution on the German road toll system, putting pressure on the Commission to make sure all road charging schemes in the EU are non-discriminatory. The resolution calls the fact that the infringement procedure against Germany’s new Maut proposal is put on hold into question. The Committee stresses that EU road charging should be non-discriminatory and based on the “polluter pays” principle, and suggests this might not be the case for the new German toll. It therefore calls on the Commission to clarify why the procedure was put on hold and keep Parliament informed of the process. The resolution also stressed the need for common rules for a harmonised and coherent system for road charging in the EU.

CLECAT WELCOMES DOMINIQUE WILLEMS



CLECAT welcomes Dominique Willems who started earlier this week as a senior manager responsible for IT, innovation in all areas of freight forwarding and logistics at the CLECAT secretariat in Brussels. Previously Dominique worked as a policy advisor at FENEX (the Dutch organisation for freight forwarding and logistics) and TLN (Transport and Logistics Netherlands).



Before working at FENEX and TLN Dominique was General Manager at a customs brokerage firm based in the Netherlands, Belgium and Germany and partner at an IT development company, mainly involved in the creation of tailor made customs and warehousing software. Dominique also was an active members of the Customs Institute in CLECAT over the last couple of years.

Throughout his career Dominique has been working for and representing freight forwarders and other logistic service providers. Commenting on his move to Brussels he said: ‘ For me it’s an honour to be able to represent the freight forwarding community at European level, especially in these interesting times with upcoming challenges like increasing trade barriers, Brexit, disruptive newcomers to the market, e-commerce and further digitalisation and automation of logistic processes.’

Dominique can be reached at willems@clecat.org

Road

MEP QUESTIONS EC ON MINIMUM WAGES

European Commissioner Bulc replied to a written [question](#) by MEP Adam Szejnfeld (PPE) regarding the proceedings against France and Germany for applying minimum wage rules to the international transport sector. MEP Szejnfeld reminded the Commission that proceedings against France were launched, and Germany received a supplementary letter of formal notice (the infringement procedure started in May 2015), in June 2016 giving both countries two months to resolve the issue. Thus far no formal proceedings were launched before the European Court of Justice and MEPs demand clarity on the matter. Especially, since some worry other countries may follow the example of Germany and France, which would severely hinder the road haulage sector.

The Commissioner [answered](#) that the Commission has received the replies from both countries and is now carrying out a “comprehensive analysis of the arguments brought forward and continues its dialogue with national authorities on this issue”. No definitive answer could be given regarding the duration of these proceedings. Further the Commissioner highlighted that this issue, together with social conditions of employment in the road transport sector are addressed in the ongoing road transport legislation.

DSLIV CONCERNED ABOUT BARRIERS FOR EU TRANSPORT

In a [press release](#) published earlier this week CLECAT’s member DSLIV criticises the return to national legislation and the application of minimum wage legislation to transport. EU Member States such as Germany, France and Belgium have introduced legislation on minimum wages and imposed additional administrative requirements that hinder cross-border transport. Whereas Member States refer to the Posting of Workers Directive to justify the application of minimum wages to international transport, the highly mobile nature of work in international transport (including all modes of transport) makes it incompatible with the Posting of Workers Directive, says DSLIV.

“As a result of the ‘patchwork’ of legislation, logistics processes are delayed and become more expensive. Trade barriers are created that are counterproductive to the basic freedom in the EU related to the movements of goods, says Frank Huster, Director General of DSLIV. DSLIV calls for a



sector specific interpretation of the Posting of Workers Directive that takes into account the characteristics of highly mobile workers in international transport.

DUTCH COURT CONCLUDES ON SLEEPING IN CABIN

A Dutch Court has recently decided that taking a long weekend rest in the cabin by a driver is not in line with EU regulation. The Advocate General of the European Court of Justice came to similar conclusions a few weeks ago. In most cases, the European Court of Justice follows the Advocate General's position.

The present infrastructure of parking areas does not allow a smooth implementation of the rule. There is a lack of safe parking areas in Europe which would mean that drivers have to leave their trucks without supervision. There is also a lack of budget hotels around parking areas. Currently, parking areas in the South of the Netherlands are full because Belgium does not allow drivers to spend the longer resting times on board of the truck.

Air

BATTLING UNFAIR COMPETITION OR PROTECTIONISM?

In an [opinion](#) of the European Shippers' Council the association is calling a proposal being drafted by the Commission to battle unfair competition from Gulf carriers into question as it may be considered as protectionism.

According to [Reuters](#), the proposal by the Commissions would enable the EU to impose duties on non-EU airlines or even to suspend their flying rights if it finds they have harmed European airlines. The aim is to combat unfair competition such as illegal subsidies and favourable treatment in slot allocations, ground handling, airport charges and refuelling. The proposal would allow airlines/airline associations to submit a complaint and trigger an investigation by the Commission to determine whether there is evidence of a practice causing injury to EU carriers.

The ESC warns that "the consequences of this regulation for shippers, if adopted, can be enormous as extra duties are always paid by the end-customer – the shipper. Stripping flying rights, if imposed, may damage capacity and connections in the air cargo operations". The ESC continues that what European carriers perceive as 'illegal state funding' is simply government investments in infrastructure and high-tech facilities at airports. EU airports and investments are simply lagging behind. Additionally, the ESC argues that favourable treatment on slot allocation also concerns European carriers, and therefore any new legislation ought to apply to all carriers, including EU-airlines. The ESC warns that within the current protectionist climate, such legislation is dangerous and may even spark counter measures from other countries.

CLECAT has likewise [supported](#) fair competition in the international air transport market, calling on the EU to ensure that any response to true anti-competitive behaviour is based on clear criteria, laid down in law and communicated transparently with market operators. The EU must not, however, respond to any unfair practices, whether proven or perceived, with protectionist measures of their own. Responding to commercial practices in third countries with arbitrary protectionism in Europe is counterproductive, unsustainable, and would only serve to limit connectivity and growth.



Maritime

SHIPPING INDUSTRY COMMENTS ON EU MARITIME STRATEGY

In the framework of the Shipping Week 2017, the European shipping industry, represented by CLIA Europe, EBA, ECASBA, ECSA, EMPA, ETA, ETF, EuDA, Interferry, WSC issued a [joint statement](#) welcoming the European Commission's mid-term review of the EU Maritime Transport Strategy 2009-2018. The industry presented some comments to shape the EU Shipping Strategy 2019-2028, which will be reviewed by the Commission this year.

The industry endorses the emphasis on better regulation. Absolute priority must in this respect be given to a fundamental overhaul of the EU Reporting Formalities' Directive that should lead to the introduction of a single window environment for maritime carriers. A competitive shipping sector is one of the reasons why the European shipping industry calls upon the EU institutions and Member States to go beyond a regulatory fitness check of existing legislation and introduce a new strategy for the decade beyond 2018.

CAPACITY CRUNCH ON BOX SHIPS TO ASIA

On 1 March Maersk Line stopped booking export containers from Europe to Asia and the Middle East, according to market sources, while capacity is said to be extremely tight for other lines. Air freight could feel the benefit, if the capacity crunch continues, according to one forwarder.

Maersk's block on bookings runs until 27 March, but the situation will be reviewed on the 13th. The only cargo exemption is when a prior space commitment has been given, according to a memo seen by The Loadstar.

A spokesman for Maersk said: "We can confirm that exceptionally high demand on North Europe to Asia trade has led to challenges with space availability and, consequently, to potential issues with the acceptance of bookings to our customers.

"We are currently reviewing all possible options to minimise this issue and thus reduce the impact to our customers' business. We will stay in close touch with them to propose best options for securing the smoothest possible flows of their cargo."

One Dubai logistics expert told The Loadstar the capacity problem was not restricted to Maersk. "All carriers are congested beyond belief. It's just like 2013, when there were no bookings for three months. I imagine a lot of carriers are repositioning vessels for the alliances. They are not running to their schedules."

Ocean carriers blanked an estimated one-third of all westbound voyages in the first week of the Chinese new year holiday at the end of January, and this increased to almost 50% of sailings for the second week. As a consequence, the respective eastbound voyages were also blanked – thought to be the main reason for the backhaul capacity crunch.

However, it appears likely that the tight booking situation on 2M alliance vessels has worsened with the perception that Maersk and MSC's competitors will face some disruption from the reshuffle for the new alliances on 1 April.



Indeed, with just a few weeks remaining until the launch of THE Alliance, its UK hub port(s) has still not been officially announced. UK export customers of Hapag-Lloyd, Yang Ming and the Japanese trio of K Line, MOL and NYK are thought to be struggling to organise supply chains.

A beneficiary of the situation, should the block on containership bookings continue, would be air freight. “They will have to switch to air freight, if the alternative is factory closures,” said one European forwarder. “It has got to have an impact. They will need to air freight a certain amount. It will matter to European importers, less so to exporters.”

Source: [The Loadstar](#)

SOCIO-ECONOMIC IMPACT OF EU SHIPPING INDUSTRY IS SOLID

The EU shipping industry directly employed 640,000 people and supported a €57 billion contribution to GDP in 2015. Adding supply chain and worker spending multiplier impacts, the shipping industry’s total employment contribution rises to 2.1 million people and its total GDP contribution is estimated to have been €140 billion in 2015. The multiplier impact is significant, because put in a different way, for every €1 million the EU shipping industry contributed to GDP itself, it creates further €1.6 million elsewhere.

These are the key findings of the [latest update on the economic value of the EU shipping industry](#) which ECSA commissioned from Oxford Economics. The report further indicates that, at €89,000 per worker in 2015, productivity in the EU shipping industry remains above the EU average, as well as that of sectors such as manufacturing and healthcare.

ECSA publishes the new figures at the start of European Shipping Week. “The latest Oxford Economics figures underline that shipping remains a solid contributor to the European agenda of jobs and growth”, said ECSA Secretary General Patrick Verhoeven, “Compared to 2013 figures, we see a modest increase in both employment and value-added figures.”

Source: [ECSA](#), 27 February

THE COMPETITIVENESS OF EU SHIPPING POLICY

Current growth rates in the overall market share suggest that the EU remains competitive, but at the same time that there are clear signs that the competitiveness of EU shipping is under significant pressure. The EU is experiencing cases of relocation of activities as well as de-flagging, despite its ambition of the opposite, and its growth rates in terms of ownership and the tonnage operated are significantly lower than those of its competitors in for instance Asia. These are the conclusions of a study commissioned by the European Community Shipowners’ Associations.

The [study](#) by Monitor Deloitte has identified a number of important policy gaps in the overall EU shipping policy framework on the basis of a benchmark study of five specific international shipping centres. The study concludes that there is an overall solid – and highly important – EU policy framework facilitated by the Community Guidelines on State aid to maritime transport (SAGs) that has enabled a competitive position of EU shipping centres vis-à-vis competing non-EU shipping centres. But it is also concluded that there are EU policies making the EU less attractive to ship-owners and to shipping activities and hence constituting policy gaps.

The existing policy gaps are firstly a less competitive framework in terms of taxation and fiscal incentives. These include eligibility criteria relating to the flag requirement and the current ring-



fencing of maritime activities applicable to tonnage tax put in place by the European Commission. A second significant gap has been identified concerning the regulatory framework specifically relating to the application and legal status of the SAGs for competitiveness. The fact that the SAGs are easily amendable by the European Commission is perceived as a risk by many ship owners. Finally, flag attractiveness and the legal framework for vessel exploitation are considered less competitive in the EU because of additional administrative and technical requirements compared to international standards.

The report identifies these four recommendations to improve the competitiveness of the EU shipping industry. The EU should formulate a comprehensive (cutting across policy fields like transport and the environment) and globally oriented shipping and maritime policy in the EU, focussing on the EU's position within international markets. Secondly, the EU should clarify the applicability of the SAGs and increase legal applicability. EU should improve access to and ease the flag link eligibility criteria for entering the tonnage tax regime. Finally, the EU should avoid deviating from and going beyond IMO/ILO conventions in EU and member state regulations.

Based on these recommendations ECSA calls on the EU to embrace the principle of open global trade markets and access to international maritime transport services should be an integrated part of EU Free Trade Agreements and the EU's trade and development agenda. ECSA also encourages the EU to strengthen bilateral maritime dialogues with third countries and to embrace new opportunities for oneness in markets like Iran and Africa.

ECSA recommendation available [here](#) and the ECSA press release can be found [here](#).

SURVEY ON THE IMPACT OF ALLIANCES

Drewry is conducting a survey to see what a real impact of the Alliances is on users and whether the quality of the Alliances' services corresponds with the promised level. Shippers and freight forwarders are invited to respond to the survey. The results of the survey will be broadly published used to track the service quality of the container carrier industry, to quantify differences in quality over time and between carriers, and to provide a ranking of all providers against important service and cost criteria. Anonymity and confidentiality of answers is guaranteed, and no sensitive data will be disclosed to any third party or used for purposes other than those of conducting this survey.

Participate in the Survey [here](#).

ILLOGICAL PORT CHOICES BY LINER ALLIANCES

A recent analysis of Drewry, the Ports and Terminals Insight report, finds there is no correlation between carrier terminal ownership and choice of port calls by the three main shipping alliances. Drewry analysed the relationship between i) the extent of interests in terminals that carriers have in ports in a selection of gateway and transshipment port markets, and ii) the ports of call in these markets.

Drewry's senior analyst for ports and terminals Neil Davidson said: "Our analysis shows that even when a shipping line has a significant stake in a terminal, this doesn't necessarily mean that the port is selected for the network schedule. The picture is very varied: in some cases the correlation is tight, in others there is no obvious logic at all. For gateway ports, you can see that carriers have to bear in mind the port preferences of shippers, for example, so the choice of port is influenced by other factors. But what was particularly surprising was that for the choice of transshipment hub, which is entirely within the control of a carrier, the correlation was also weak in a number of cases."



Source: [Drewry](#), 28 February

THE COSTS OF SULFUR REGULATION

According to a Wood Mackenzie study, global bunker fuel costs could rise by up to US\$60 billion annually from 2020, in a full compliance scenario, when the IMO's 0.5 wt% sulphur cap for bunker fuels kicks in. Fuel oil, which is high in sulphur content, has traditionally been used by the shipping industry as bunker fuel. In 2016, global demand for high-sulphur fuel oil stood at almost 70% of overall bunker fuels.

With the implementation of the IMO regulation in 2020, the shipping industry will have to consider a switch to alternative fuels, such as marine gas oil (MGO), or install scrubbers, a system that removes sulphur from exhaust gas emitted by bunkers. A combination of higher crude prices and tight availability of MGO could take the price of MGO up to almost four times that of fuel oil in 2016, and eventually cost the entire industry additional US\$60 billion annually.

Customs

EP DISCUSSES AMENDMENTS TO BEGHIN REPORT ON CUSTOMS PERFORMANCE

On 27 February 2017, the EP International Trade (INTA) Committee held a discussion on the amendments made to the draft own-initiative Report of Tiziana Beghin (EFD, Italy) related to the evaluation of external aspects of the customs performance and management as a tool to facilitate trade and fight illicit trade.

Mrs Beghin, rapporteur, welcomed the interest around her draft report as showed by the significant amount of amendments (126). She said that most of the amendments brought added-value to the initial proposal and looked forward to starting discussions on compromise amendments.

EPP called for more harmonisation and simplification in customs procedures. S&D added that quick and consistent implementation of the UCC was crucial. It insisted on the need to harmonise controls and inspections, in order to avoid distortion of commercial flows. S&D concluded that an EU Single Control Body should be created for harmonised treatment at EU borders and that progress should be made in harmonising infringements and sanctions. ECR called for more trade facilitation and simplification granted to legal trade, criticising the administrative burden created by complex rules and criteria. It said that cooperation with trade was important, especially to tackle illicit trade and to ensure security and safety, through a wider use of the AEO schema. The Greens suggested working on the impacts of trade distortion on the environment.

The Commission explained that it was still in the process of studying the proposed amendments and had not an official position yet.

Mrs Beghin thanked the shadow rapporteurs and concluded that the work on compromise amendments would start as soon as next week. The adoption of the report is planned for the 21st of March.

More information is available [here](#).



Sustainable logistics

LEARN WORKSHOP: EMPOWERING BUSINESS TO REDUCE CO2



CLECAT and other consortium partners of the [LEARN](#) project invite interested parties to join the LEARN International Workshop on 4 and 5 April 2017 in Brussels. The event brings together private sector, government and civil society stakeholders with an interest in reducing the carbon footprint of the global freight and logistics sector.

The project 'Logistics Emissions Accounting and Reduction Network' (LEARN) empowers business to reduce the carbon footprint across their global logistics supply chain through improved emissions accounting. The workshop aims to introduce the LEARN project, partners and activities, collect feedback from stakeholders and explore how we can work together to maximize business uptake of carbon accounting and reduction. It will also address:

- What support companies need to measure, report and verify (MRV) emissions and how a label can recognize good performance
- The practical applicability of emissions MRV and a label in complex multi-modal logistics settings

The LEARN international workshop is organized back to back with **The Europe Workshop on Green Freight Programs** on 6 and 7 April in Brussels. This event brings together governments, industry and civil society to explore how to expand green freight programs across Europe and promote collaboration between them. For more information please click [HERE](#).

[Registration](#) for the workshop is open.

CITY EMISSIONS ZONES BOOST E-TRUCK DEVELOPMENT

The increase in low emissions zones and bans on diesel vehicles in several European cities is boosting the development of electronic trucks. Their introduction might be closer than expected with several manufacturers announcing trials this year.

Freight transport is responsible for 25% of CO2 emissions in cities and a major source for noise pollution. The European Union has set itself ambitious climate goals for the future, among which carbon free transport by 2030. In response to this several European cities have already introduced low emissions zones and some plan to ban diesel vehicles from 2025. Although these policies will positively affect emissions, some freight associations warn that the impact on city freight transport and time needed to upgrade the vehicle fleet needs to be considered. City transport may presents great opportunities for e-trucks and e-vehicles, but the size and weight of batteries is a serious issue for freight transport, reducing the loading capacity. Recent developments might however bring some change as manufacturers start trials this year.

Mercedes-Benz and MAN are conducting trials for e-trucks and the vehicles might be commercially available as of 2020/2021. Mercedes-Benz is testing different models of their e-Truck in different sectors. The Urban e-Truck has a battery capacity of 212kWh and because of the battery it would carry 700kg less than a conventional truck. MAN is also testing an e-Truck model with 9 Austrian companies. The MAN truck has a capacity of 250kWh and could drive up to 200km per day. The



truck would be compatible with one or two axle-trailers with similar loading capacities as conventional combinations. After successful trials mass production could start as soon as 2021. Also other producers like Renault are working on electronic truck solutions that could be promising in the future.

Source: [Flows](#), 27 February

EP BLAMES MEMBER STATES AND EC FOR DIESELGATE

On Tuesday the European Parliament Committee of Inquiry into Emission Measurement in the Automotive Sector (EMIS) voted its final report on the inquiry into the VW scandal in 2015. The inquiry concluded that the VW scandal is just an aspect of a much wider problem, which affects the automotive sector as a whole: the large discrepancies between nitrogen oxide (NOx) emissions of diesel cars in the laboratory and on the road.

The conclusions of the report clearly identify the responsibilities of the EU Commission and member states as regards the application of EU rules on pollutant emissions from cars. First and foremost, according to the inquiry, EU countries contravened their legal obligation to monitor and enforce the ban on “defeat devices” and to require car manufacturers to remove defeat strategies from their vehicles. They also contravened their duty to adopt sufficient sanctions for breaches of EU law.

The Member States and the Commission were both deemed responsible for not following up on the evidence they possessed about the discrepancies, and on the fact that emission control strategies in vehicles focussed on passing emission tests instead of on real-world conditions. The report also pointed out that the significant delay in the adoption of emission tests reflecting real driving emissions was due to maladministration on the side of both the Commission and the Member States.

Finally, the inquiry identified further gaps in the EU car type-approval system, due in particular to the lack of EU oversight. The EMIS Committee also approved a set of draft recommendations to the Commission and the Council. These include the urgent finalisation of the RDE package, stronger EU oversight through a new EU agency and increased consumer protection. The Strasbourg plenary session in April will discuss and vote on both documents.

General

EC WHITE PAPER ON THE FUTURE OF EUROPE

European Commission President Juncker presented the Commission's [White Paper](#) on the Future of Europe to the EP this week.

The White paper considers five different scenarios for the EU, each with advantages and disadvantages. The paper is a starting point for member states to discuss how they envisage the future. The different scenarios include continuing with the current status quo and completing the different aspects of the Single Market (digitalisation, energy union, a defence union etc.). Scenario two is a step back, where the EU focusses only on the Single Market, and essentially becomes no more than a free trade area (Juncker does not support this option). The third scenario is a Europe of different speeds, with integration and cooperation moving along for those willing to participate. The fourth scenario sees the EU taking a more focussed approach to fewer policy areas but increased



cooperation on these. The fifth scenario is arguably the most ambitious one, where member states are committed to increase cooperation across more policy areas.

Forthcoming events

CLECAT MEETINGS

Customs and Indirect Taxation Institute

20 March, Brussels

Supply Chain Security Institute

21 March, Brussels

Air Logistics Institute

21 March, Brussels

Road Institute/working group Road (CLECAT/FIATA)

30 March, Zurich

FIATA Headquarters meeting

31 March, Zurich

Customs and Indirect Taxation Institute

16 June, Lisbon

Board, General Assembly

16 June, Lisbon

Road Institute

20 June, Brussels (tbc)

Sustainable Logistics Institute

20 June, Brussels (tbc)

OTHER EVENTS WITH CLECAT PARTICIPATION

Customs Seminar

6 March, Oslo

DTLF

9 March, Brussels

SITL – CLECAT/TLF side event

15 March, Brussels

European Truck Platooning Challenge Networking Event

21 March, Brussels



SELIS Plenary meeting

29-30 March, Athens

LEARN International Workshop

4-5 April, Brussels

EC Conference on Connected and Automated Driving

5-6 April, Brussels

Global Green Logistics: Making Emissions Accounting Work for Business

9 May, Transport logistic Messe, München

Global Liner Shipping Conference

16-17 May, Hamburg

EP/COUNCIL MEETINGS

European Parliament

Transport and Tourism Committee

27-28 February, Brussels

22-23 March, Brussels

Plenary Session

1-2 March, Brussels

13-16 March, Strasbourg

Transport, Telecommunications and Energy Council

27 February, Brussels

8-9 June, Brussels

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