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News from Brussels

COMMISSION TAKES ACTION AGAINST AUSTRIAN MINIMUM WAGE

The European Commission initiated on Thursday an infringement procedure against Austria concerning the application of the "Austrian Act to Combat Wage and Social Dumping" (in German - Lohn- und Sozialdumping-Bekämpfungsgesetz) to the road transport sector.

The Commission believes that this practice restricts the EU internal market disproportionately. Whilst fully supporting the principle of national minimum wages, the Commission considers that the application of the Austrian legislation to all international transport operations with unloading and/or uploading on the Austrian territory restricts the freedom to provide services and the free movement of goods in a disproportionate manner. In particular, the application of the Austrian measures to international transport operations which do not have a sufficient link to Austria cannot, in the Commission's view, be justified, as it creates disproportionate administrative burdens which prevent the internal market from functioning properly.

The Commission considers that more proportionate measures are available to safeguard the social protection of workers and to ensure fair competition, whilst allowing for free movement of services and goods. Therefore, following an exchange of information with the Austrian authorities and a thorough legal assessment of the Austrian measures, the Commission decided to send a letter of formal notice to Austria. This constitutes the first step in the infringement procedure. The Austrian authorities now have two months to respond to the arguments put forward by the Commission in the letter of formal notice.

Source: [European Commission](#), 27 April

ROAD PACKAGE BECOMES 'MOBILITY PACKAGE'

The upcoming Mobility Package (no longer called the 'Road Package') covering 'Post 2020 strategies on cars/vans and on lorries, buses and coaches; Eurovignette and European Electronic Toll Service (EETS) Directives' is now expected [to be published on 31 May 2017](#). The package is expected to address road charging including Eurovignette and electronic tolling, an internal market pillar and a social pillar. The social pillar will give clarification of the application of posting conditions to road transport as well as effective enforcement measures which do not impose disproportionate administrative burdens on companies operating in the sector or on their workers.

In the above mentioned press release issued by the Commission yesterday, it was noted that 'as comparable legislation exists in different Member States having adverse effects on the internal market, the Commission is working on a sustainable solution to the issue at stake. The Commission aims in particular at ensuring a balance between the social protection of road transport workers, fair competition and the freedom of providing transport cross-border services.'

You will find an [EurActiv article](#) outlining some of the prospective elements [here](#).

CLECAT will organise a lunch event on the Mobility Package on the 28th June in Brussels for its members and invited guest from the European institutions.

5TH DTLF PLENARY MEETING

CLECAT participated this week in the Digital Transport and Logistics Forum (DTLF), an expert group established by the Commission for the coordination and cooperation between public and private stakeholders in the transport sector. The DTLF aims at further supporting digitalisation of freight transport and logistics. It brings together the EU Commission, Member States and stakeholders from all transport and logistics communities with the aim to identify challenges and areas where common action in the EU is needed, to provide recommendations, and to work on the implementation of these recommendations where appropriate.

During the 5th Plenary meeting of the DTLF updates were presented of the main topics of the DTLF. For the e-transport documents it was shown that there is a steady increase in the acceptance and use of digitalised documents for different modalities. However, there are still quite some obstacles for a complete transition to these e-documents. The challenges include different authorities in different Member States who still need paper documents to be present with the goods, for example police who need to do roadside checks. But also other organisations, like banks and insurance companies, rely on paper based documents. Authorities should have a leading role in the acceptance and use of e-transport documents and that the Commission should ensure the harmonisation throughout the EU.



Another reason for slow adoption is that for many companies there is little or no benefit (yet) in the use of e-documents. This is because of the before mentioned limited acceptance by authorities, but also because digitalisation does not always lead to more efficiency or lower costs. An important reason for this is, that there is often a focus on supporting existing procedures by replacing documents with electronic versions. It was concluded in the meeting that to achieve the goals of efficiency, simplification and lowering costs, the DTLF needs to look beyond these paper-based procedures, which CLECAT fully supports. The electronic exchange of data between supply chain actors, authorities and IT providers/platforms such as port community systems can also be improved. There is already a lot of digital data exchange, but this is between separated “information silos”. Different solutions are being promoted and provided by different actors, countries, and within different transportation modes, addressing diverse layers in information sharing. Building on existing initiatives and best practices, the DTLF will therefore define standards and bring forward a digital infrastructure/platform/ architecture that enables information owners and information consumers to interact in a seamless real time manner.

In order to achieve the goals of the DTLF a survey is being conducted to help establish the state of play with regards to the use of electronic transport documents by the various actors in the transport and logistics chain. All stakeholders in logistics are being invited to answer the 15 minute survey. The survey can be found via this link: [State of play regarding the use of electronic documents in transport.](#)

ELP EVENT ON SMART FREIGHT LOGISTICS

At the second ELP event of this year, hosted by MEP Wim van de Camp, around 40 policymakers and industry stakeholders came together to discuss initiatives of business and the European Commission related to ‘Smart Freight Logistics.’ Participants discussed digital innovation and new services in modern freight logistics.

Two industry representatives shared their knowledge and experience on smart freight logistics. Matthijs van Doorn, Manager of Logistics from the Port of Rotterdam gave some insight into how the Port of Rotterdam works with the market to be a catalyst for innovation. To boost innovation, the Port Authority places heavy emphasis on attracting start-ups to locate within the port area. In the Port Innovation Lab, which is focused on creating new business ideas, applications are assessed under market conditions and accelerate promising start-ups. Through these initiatives, the Port of Rotterdam Authority together with partners such as (inland) terminals, liners, shippers and Portbase, creates an ecosystem where data can be exchanged in real-time and made more transparent, which will lead to the optimisation of the logistics chain.

Mr Christoph Kuss, Marketing Manager of Goodyear Proactive Solutions, shared his vision to develop smart and connected trucks for the future and current technology that allows pre-emptive tire maintenance and prevention of accidents.

Mr Matthew Baldwin, Deputy Director General from DG MOVE, presented the perspective of the European Commission on smart freight logistics. He started his introduction by supporting the objective of the ELP in the need to ‘unlock the potential of smart freight logistics.’ He noted that a proactive approach to innovation is important to fully reap the benefits, whilst recognising that digitalisation should not be an end in itself, but a means to achieve decarbonisation and more efficiency in supply chain logistics. Mr Baldwin referred to the current challenges in the industry including growth in complexity, an increased need for agility and resilience in the chain, customisation of products and services in view of smaller consignments and more transshipment and e-commerce. He called on stakeholders to support the Commission in identifying what it should be focusing on, also in the framework of its ‘multimodal year’ (2018). He noted that the DTLF is addressing many



questions, and in particular the need to address the issue of ‘disconnected silos of information’ and if rightly addressed, will bring new possibilities for interaction between existing and new players. Finally, Mr Baldwin referred to the ‘Mobility Package’ which will be launched by the Commission on 31 May.

Maritime

DIVIDED OPINIONS ON CAPACITY RECOVERY IN OCEAN FREIGHT

A leading shipping analyst has predicted the return of rate volatility to the world’s major trades as the spectre of overcapacity comes back to haunt the industry. This is despite growing confidence in a container market recovery over the past six months and other expert opinions.

Tan Hua Joo, executive consultant at Alphaliner, told delegates at the TOC Asia Container Supply Chain event in Singapore this week, that despite 2016 being the “most balanced year in terms of supply and demand since 2009”, with a global fleet growth of just 1.6%, “hopes on the part of carriers for greater stability are still some time away”.

This is largely because the growth rate last year was constrained due to a high number of new vessel delivery deferrals, in combination with an unprecedented number of vessels sent to scrapyards and an unnaturally large idle fleet propelled by the collapse of Hanjin. “As we move into this year, the rate of growth in the global fleet is going to increase as there is very little room for the industry to keep the growth of the fleet down,” Mr Tan said. “We do not see a genuine recovery in the freight markets for another 18 months – it is not until 2019 that the supply-demand situation comes back into balance,” he suggested.

However, this view was contradicted by Robbert van Trooijen, head of Maersk Line for Asia-Pacific, who claimed that 2017 would be the year “in which all of us would find that balance”. Mr van Trooijen argued that on the transpacific, Asia-US east coast and Asia-North Europe trades, capacity was likely to be far more in line with demand than Mr Tan suggests.

Source: [The LoadStar](#), 25 April

MAERSK PARTNERS WITH MICROSOFT TO DRIVE DIGITALISATION

Maersk announced on Wednesday that it has joined forces with Microsoft Corp. in a strategic move to revolutionize supply-chain management and global trade to become “the global integrator of container logistics”. From its connected vessels to its transportation economics, the company is betting on Microsoft to fuel growth and power logistics globally.

This agreement means that: Microsoft has been selected as the preferred cloud partner for Maersk’s digital transformation journey, supporting its high-value assets such as carrier performance, equipment utilization and supplier performance. And Microsoft Azure is the digital platform of record to power Maersk’s app store and help fuel business model innovations.

Already today A.P. Moller – Maersk is generating great amounts of data. The Microsoft agreement gives Maersk a powerful set of tools to make the most of this data, turning insights into among other things, a better customer experience, more efficient operations, and new products and revenue streams. Damco, Maersk’s business unit for supply-chain solutions, recently launched several digital



supply-chain solutions built on Microsoft Azure. The next app to be launched is a digital app for Customs House Brokerage. Damco's solution provides customers with outstanding visibility as well as the ability to manage the clearing of goods by exception.

Sources: [A.P. Moller – Maersk](#) and [Microsoft Corp.](#), 26 April

Road

EUROPEAN SHIPPERS FACE SOLAS-STYLE TRUCK WEIGHT RULES

From 1st May 2017, the European Weights and Dimensions Directive ([EU 2015/719](#)) will come into force. The aim of the directive is to establish rules for heavy goods vehicles, busses and coaches on weights and dimensions for road safety reasons. The regulation will require shippers to provide a Statement of Weight to transporters. However, existing business practices should be sufficient to meet the requirements of the rule. Shippers will need to give hauliers transporting a container or swap body a statement indicating the weight of the container or swap body transported. The haulier must provide access to all relevant documentation submitted by the customer.

EU member states must lay down rules for these new requirements and rules outlining the liability of the shipper and the trucker in cases where the information is missing or incorrect and the vehicle is overloaded. The purpose of the amendment is to provide trucking companies with the assurance that the weight of containers or swap bodies when loaded onto the vehicle does not cause its gross mass weight to exceed the maximum legally permissible weight.

“In practice, the shipper is free to decide what format the statement of weight should take,” according to Peregrine Storrs-Fox, risk management director of the TT Club, a London-based insurance and risk management provider for the transport and logistics sectors. “Therefore, operationally, there should be no new standard form or document or additional process to be introduced. It is understood that existing business and contractual information will be deemed sufficient provided that it includes the weight of the load.”

However, “differing national practices are, as with VGM, likely to emerge, which is less than helpful to industry stakeholders.” The VGM requirement was widely feared to cause containerized supply chain disruption but ended up having minimal impact. Concern around how much the rule is enforced, mainly in African, Asian, and South American countries, remains.

The TT Club says it has so far proven “impossible” to gather definitive information around the globe of the implementation of the SOLAS amendment. “Anecdotes abound — and do not immediately provide comfort in relation to material compliance,” said Storrs-Fox.

Source: [JOC.com](#), BIFA News, 25 April

EC CALLS ON 3 MEMBER STATES TO LAUNCH ELECTRONIC REGISTER

The European Commission requested Luxembourg, Poland and Portugal today to comply with judgements of the Court of Justice of the EU related to the good functioning of the internal market for road transport. These judgements the Court found these Member States to be in breach of EU law (Regulation (EC) No 1071/2009) for not having established national electronic registers of road undertakings and for not having interconnected those with the registers of the other Member States.



Creating national registers and linking them with other member states allows for a better exchange of information between Member States and a better enforcement of existing legislation, including the social acquis. It guarantees that offenders can be identified when they commit offences abroad. These member states now have two months to notify the Commission of measures taken, or the Commission may bring the case before the European Court of Justice.

Source: [European Commission](#), 27 April

Customs

AMENDMENT OF THE UNION CUSTOMS CODE

Last week CLECAT attended several meetings with the EU Commission, Member States and the other members of the Trade Contact Group (TCG) about the amendment of the Union Customs Code. Some of the main topics that were discussed were the definition of the Exporter, guarantee reduction and low value consignments (e-commerce).

The definition of the exporter has led to many discussions throughout the EU. For companies and the customs authorities, the current definition does not cover all possible export related trade scenarios and therefore different problems arose with for example ex-works shipments, (in)direct representation and VAT. A new definition was proposed, that now seems to cover all scenarios. CLECAT welcomes the new definition very much, however, CLECAT has pointed out that although the definition seems broad enough, it could still lead to unclarity in practice. Therefore the Commission should supplement the current [Guidance document](#) with more practical examples and instructions on how to file the different data elements (boxes in the declaration) in different scenarios.

Another important issue was about the reduction or waiver of a guarantee for potential customs debts (e.g. for transit, customs warehouse and temporary import). Since the UCC, this new facilitation is provided for AEOs and non-AEOs, who can prove a "sufficient financial standing". For Member States there is still too much uncertainty on how to determine this sufficient financial standing. This leads to the situation that some Member States not providing this new facilitation. In general, all parties involved agree that there should be a good possibility for a reduction or waiver of the guarantees, especially for the potential customs debts, which only occur in the exceptional cases when the customs procedures are not discharged correctly. But unfortunately, it remains difficult to reach an agreement on the wording of the article. It might even be necessary to review the legislation for this facilitation entirely. CLECAT expressed the view that the reduction of the guarantees is essential for freight forwards, customs brokers and their clients, in particular SMEs. A reasonable, practical and harmonised solution should be found as quickly as possible. CLECAT considers it also very important that other means than the financial resources to cover the guarantee are used. For the potential customs debts, it is almost irrelevant whether a company has the financial resources to cover the reduction of the guarantee, because the duties do not have to be paid in the first place.

The last main topic were the low value consignments, also called e-commerce. Although e-commerce was not discussed in depth, Member States, the Commission and trade have an urgent need for practical and future proof solutions and supporting IT systems. It is decided that very soon a Customs 2020 Project Group on import and export customs formalities related to low value consignments starts. CLECAT welcomes this initiative very much as e-commerce has become an integral part of our economy and is no longer an exceptional flow of goods only serviced by postal and express operators.



The Commission also presented some highlights and timelines related to the IT implementations needed to fully support the UCC. As expected not all systems will be ready by 2020 and very soon new timelines will be determined. The work on the amendments of the UCC will continue the coming months and the update of the UCC is expected by 2018.

CONSULTATION ON THE EVALUATION OF ECICS

The European Commission published an open public consultation for the Evaluation of the European Customs Inventory of Chemical Substances (ECICS).

ECICS, the European Customs Inventory of Chemical Substances is an information tool managed by the European Commission's Directorate-General for Taxation and Customs Union (DG TAXUD). It allows users to identify chemicals, classify them in the Combined Nomenclature and name them in all EU languages for regulation purposes.

DG TAXUD has commissioned an evaluation to assess how well ECICS meets the needs of its users and whether it continues to be justified. The survey focuses on how ECICS is used, its benefits for the users as well as its shortcomings and potential areas of improvement.

The consultation is open to any interested stakeholder until the 6th of June 2017. The Commission is looking at the broadest possible scope of respondents. The results and the conclusions of the evaluation will inform decisions on the future of ECICS.

The consultation is available [here](#)

E-COMMERCE SEMINAR – CHALLENGES IN VAT AT EU IMPORT

Erasmus University Rotterdam will host a conference on the 23rd May organized by the Rotterdam School of Management in cooperation with the Dutch National Committee on Trade Facilitation

The seminar will discuss the current status of these plans and the anticipated policies. Will the new EU legislation solve the problems of complexity? What are the consequences for customs import procedures if the Mini One Stop Shop will be applied at importation? Will it bring a level playing field for retailers, both in the EU and elsewhere? Are there any alternative procedures? And how will this system in new EU legislation impact on customs enforcement?

Speakers include representatives from the EU Commission, DHL, Dutch Customs and Erasmus University. The event is FREE of charge. More information and Registration [here](#).

Rail

RAIL BALTICA: TIME TO MOVE FORWARD

A new [Cost-Benefit analysis](#) on the Rail Baltica project has been presented on Monday at the Rail Baltica Global Forum in Riga. The analysis concludes that the project has the potential to bring important socio-economic benefits, such as reduced travel times, a lower carbon footprint and increased exports to the whole region. The Ministers for Transport of Estonia, Latvia, Lithuania and Vice-Minister of Poland, all present at the Forum, confirmed their strong commitment to the realisation of the project, agreeing it is time to move forward with its implementation.



Henrik Hololei, Director-General for Mobility and Transport at the European Commission said "the new Cost-Benefit analysis clearly confirms the viability and value of Rail Baltica, making a strong case for a continued EU support. Ensuring strong connectivity is at the heart of EU policy. The Baltic States have been given a unique opportunity to together take full advantage of this policy. I would urge the countries involved to take decisive action now, before it is too late."

Rail Baltica is a project aiming to connect the Baltic States to the European railway network by a modern and fast rail connection. It is the most important project of the North Sea-Baltic Core Network Corridor of the Trans-European Network (TEN-T). With the current progress made in planning, management and financing, the project is expected to be operational within ten years from now.

Source: [European Commission](#), 24 April 2017

Air

IATA LATEST E-AWB FIGURES

IATA has published its latest e-Air Waybill monthly report, which shows 49.7% e-AWB penetration in March 2017, against a target for December 2017 of 62%. The figures represent a 1.1% increase on the previous month. Main countries which remain closed to e-AWB include China, Turkey, Saudi Arabia, Brazil and Ethiopia. The report also details the top freight forwarders and airlines for e-AWB by volume and penetration, as well as performance of countries and airports of origin.

The report may be consulted [here](#).

CARRIERS ON A HIGH AS AIR FREIGHT RATES CLIMB AGAIN

Air freight rates enjoyed a 4% month-on-month rise in March, to \$2.84 – an increase rarely seen at that time of the year. As Drewry released its latest East-West Airfreight Price Index, forwarders, shippers and airlines all support the evidence that volumes have been reasonably good so far this year. But, at 8% higher than last year, last month's all-in rate reflects a rebound – although nearly 7% lower than in March 2015, reflecting how much the market sank last year.

According to Kuehne + Nagel CEO Detlef Trefzger, Air freight's healthy start to 2017 looks set to continue. He told analysts last week that he is confident in the outlook for air freight market in 2017 after a very strong start to the year for the global forwarding and logistics group and the market in general.

"Air freight volumes are strong and the market is strong, and our interpretation of this is that overall consumption is increasing and stock levels locally are not sufficient to meet consumer demand. So, for us, it's ad hoc shipments, fast deployment, and replenishment that are driving air freight growth," he said.

Sources: [Lloyd's Loading List](#), 24 April and [The LoadStar](#), 25 April



ALITALIA RISKS COLLAPSE AFTER STAFF REJECT RESTRUCTURING

Italian flag-carrier Alitalia has reportedly missed out on its last chance to avoid being placed under administration, after employees voted against job reductions and pay cuts. The measures, part of a \$2.2bn refinancing package, were rejected by roughly 70% of staff, according to Bloomberg, despite job-loss numbers being trimmed from 2,000 to 1,600. Economic development minister Carlo Calenda said a “no” vote would likely prompt the Italian government to step in as a special administrator for the company before it was liquidated in about six months.

The company has been struggling for a long time already, and was last put into bankruptcy in 2008 after political and labor opposition thwarted sale plans. It has stumbled on since, with ties to Air France-KLM Group and Etihad Airways PJSC failing to end losses.

Source: [Bloomberg](#), 24 April

General

IMPACT OF BREXIT ON EU/UK TRANSPORT COMPANIES

The leading law-firm Norton Rose Fulbright has produced an analysis for transport companies based either in continental Europe or the UK on how to trade with the other. Focused on rail, shipping and aviation, it looks at the impacts of leaving the EU, the impacts of relationships with countries outside the EU and what impacts Brexit might have on environmental, taxation and health and safety laws. The analysis attempts to provide some clarity for companies in and outside the UK on possible Brexit implications.

For transport services providers, their ability to continue to provide transport services on the EU/UK will depend on the nature of the Brexit agreement. Specifically, if the UK will remain part of the relevant transport markets and the European agencies and whether or not these carriers need to register in the other market. Regarding the application of EU law in the UK, the report suggests initially the UK will continue to conform to EU law, to create some continuity. In the future however, the UK will likely diverge from EU regulations as it will no longer be subject to the rulings of the European Court of Justice.

Read the full report [here](#).

LATEST CORE PROJECT NEWSLETTER HIGHLIGHTS DEMONSTRATORS

The latest newsletter of the CORE project has been published, showcasing progress in the project’s demonstrators as its third year draws to a close. The project, in which CLECAT is a partner, aims to develop the concepts of making trade more secure and more efficient while reducing the associated costs.

Demonstrators highlighted in the newsletter include next-generation container scanning, which will speed up throughput and improve detection for whole-container scanning and allow interoperability so that different operators (security, customs...) may select the relevant data to be displayed on the x-ray image. The newsletter also presents the hybrid composite container, whose light weight and flexible material allows it to be embedded with sensors for security, visibility and management purposes; the Ice Cube solution which allows container temperature management while taking up half



the space of a standard refrigeration unit and drastically reducing associated CO2 emissions; and the Babblar digital, connected container seal.

The newsletter may be found [here](#).

FIATA ATTENDS UNCTAD ECOMMERCE WEEK

FIATA attended the UNCTAD eCommerce Week, from the 24th to the 28th of April in Geneva, and took part to a panel discussion on E-commerce and Trade Logistics. During the debate, it particularly emphasizes that logistics providers and eCommerce trading community would have to work closely together for developing innovative solutions and, at the end, meet consumers demands and growing expectations.

FIATA also announced the publication of a position paper on eCommerce, highlighting some of the key barriers and opportunities for eTrade to grow, examining areas such as greater facilitation (WTO's TFA art. 7.8), universal implementation of the "Know Your Customer" principle, visibility services, block-chain technology, single window, cybersecurity and much more.

FIATA's press release is available [here](#). The position paper is available [here](#).

EU INVESTS €22.1 MILLION IN SUSTAINABLE INFRASTRUCTURE

EU countries have approved the European Commission's proposal to invest €22.1 million to support [seven actions](#) that will help develop sustainable and efficient transport and energy infrastructure. They will receive funding from the Connecting Europe Facility (CEF)'s Synergy call. They were chosen as they will create connections between Trans-European Networks for Energy (TEN-E) and the Trans-European Networks for Transport (TEN-T), which identify regions where better links between EU countries in energy and transport respectively are needed.

The seven actions include an assessment of options for building a pipeline that would carry Liquefied Natural Gas (LNG) from Italy to Malta for use as a marine fuel, the development of a cross-border electricity smart grid increasing the energy efficiency of the Croatian railway system, and the creation of electricity storage systems strategically located on key transport corridors between Austria and Germany.

EU Commissioner for Transport Violeta Bulc stated: "European transport still depends on oil for 94% of its energy needs. That is why the EU is investing in seven projects to speed up the deployment of alternative energy sources, with a special focus on electrification and multimodal transport."

Source: [European Commission](#), 24 April



Forthcoming events

CLECAT MEETINGS

Customs and Indirect Taxation Institute

16 June, Lisbon

Board and General Assembly

16 June, Lisbon

Road institute meeting

28 June, Brussels

Supply Chain Security Institute

24 October, Paris (tbc)

Air Logistics Institute

24 October, Paris (tbc)

CLECAT Freight Forwarders Forum 2018

24 November, Barcelona

OTHER EVENTS WITH CLECAT PARTICIPATION

Global Green Logistics: Making Emissions Accounting Work for Business

9 May, Transport Logistic Messe, München

Global Liner Shipping Conference

16-17 May, Hamburg

ELP dinner event on Low Carbon Strategy

30 May, Brussels

8th edition of the UIC/FIATA Market Place Seminar

14-15 September, Duisburg

EP/COUNCIL MEETINGS

European Parliament

Transport and Tourism Committee

3-4 May, Brussels

Plenary Session

15-18 May, Strasbourg

Transport, Telecommunications and Energy Council

8-9 June 2017, Luxembourg



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