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## Road

### ECOSOC DEBATES OPINION ON ACCESS TO THE MARKET

CLECAT's DG Nicolette van der Jagt was invited earlier this week to participate to a debate in the European Economic and Social Committee on the first draft working document on TEN/636 "Access to the international road haulage market and the occupation of road transport operator published on 31 May 2017 as part of EC's Mobility package. The EESC rapporteurs to the file Mr Stefan Back and Mr Pasi Moisio presented their initial views and wider discussion took place with a number of experts including ETF, IRU, CLECAT and DG MOVE.

The rapporteurs in general supported the aims of the Proposal to ensure a level playing field in an unfragmented internal road transport market and to avoid excessive administrative burdens on business, improve the clarity and enforcement of the regulatory framework and address abuse such as the use of letterbox companies, non-transparent business models and illegal cabotage.

There was broad recognition from the members of the EESC involved in the study group that the proposals on the application of Posting of Workers and access to the market are interlinked. There were some critical notes regarding the need to clarify a number of further points regarding cabotage rules, which have been the subject of different interpretations.

One of the members from Poland representing employers, noted that the majority of the drivers in the EU13 have a wage in the range of the top 10% in their country. Margins are very small in the sector and there was a strong fear that the proposal on the Posting of Workers will lead to unemployment of drivers in the EU13.



CLECAT welcomed the fact that the rules on cabotage were to a large extent clarified and simplified. These revised rules should ensure a better utilization of capacity, reduce empty runs and represent a clearer and better understandable definition of cabotage. Currently, Member States interpret the provisions of Regulation 1072/2009 differently and that there is indeed a clear need for guidance from the European Commission.

There was concern by some members that the current proposal does not solve the issue of continuous cabotage to which the Commission responded that the implementation of the Posting of Workers as of day one should act as a deterrent. CLECAT does not expect that the revised regulation will significantly increase cabotage movements

## STUDY ON CLIMATE-FRIENDLY LAND FREIGHT IN EUROPE

Transport & Environment has published a study on a [“Roadmap to climate-friendly land freight and buses in Europe”](#). The report assesses how the EU and Nordic countries could achieve zero GHG road freight (and buses) by 2050.

The report argues that it is possible to achieve this goal, but only through a significant shift in policy and ambitious early action. “Low-hanging fruit” actions to increase efficiency would include fuel efficiency standards for trucks, increasing the share of rail freight through greater rail capacity, fuel taxes, road charging and improving rail service; and greater logistics efficiency through green freight programmes and digitalisation. These measures together could reduce road freight emissions by 36%, the study argues. It adds that a further 27% reduction could be achieved through full battery technology for small and medium vehicles, and e-highways for heavy duty vehicles. Other options for decarbonisation include hydrogen and renewable power-to-liquid.

CLECAT can agree with several of the points in the study, including the calls for efficiency standards and boosting logistics efficiency through digitalisation and green freight programmes. CLECAT also supports research and innovation to develop alternative fuels as a means to decarbonise transport and improve the efficiency of the transport system.

Nonetheless, there are several arguments in this study which raise questions. The paper argues that there is no recognisable impact of road charging on trade and the wider economy, referencing a [separate study](#) which admits that profit margins in the transport sector would be affected by road charging and that the large number of small businesses in the sector would not be able to balance such additional costs. CLECAT has long [argued](#) that the narrow profit margins in the bulk of the logistics industry mean that road charges have a clear impact on the viability of the business, and must be fair, proportionate and balanced by infrastructure investment and incentives. The importance of transport and logistics to the European economy, as an employer and as the backbone of commerce, means that its profitability cannot be glossed over.

Furthermore, the study does not mention cabotage as a means to improve logistics efficiencies and refer to other legal restrictions in road freight transport that have an impact on efficiencies.



## NETWORKED TRUCK CONVOYS RECEIVE FUNDING IN GERMANY

DB Schenker, MAN, and Hochschule Fresenius receive funding from the German Federal Ministry for their joint development of networked truck convoys. The Federal Ministry of Transport and Digital Infrastructure has also released a corresponding announcement. The academically accompanied platooning Project will be funded for 20 months from June 2017 to January 2019. Initially the partners will test truck convoys in everyday operation at the digital test site, the A9 freeway, for several months to analyze their suitability for practical application and system safety in real traffic scenarios as well as within the logistics processes of DB Schenker. This phase is also aimed at investigating the potential effects of the new technology on the truck driver profession.

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## Rail

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### ERFA WARNS ON IMPACT OF CONSTRUCTION WORKS

ERFA issued a press release today highlighting the impact of a series of infrastructure works during the summer period in Germany, but also on neighbouring networks, most notably in Italy, Switzerland, Belgium and the Netherlands, which are heavily damaging rail's reputation as a serious alternative to road transport. There are reported to be at least 22 construction sites during the month of July on the key Central Europe North- South corridor linking the north of Italy with Germany, the Netherlands and far beyond. Longer journey times and train cancellations risk alienating more and more customers from choosing rail as an attractive alternative to road.

The disruption to rail services has a devastating impact on the viability of smaller railway undertakings, risking future of competition in the sector. These disruptions mean that costs for railway undertakings are increasing, with no change in their fixed costs, whilst no compensation is received - a situation which is far harder to absorb for small rail companies.

ERFA acknowledges that line closures and/or line restrictions are essential to enable infrastructure development and maintenance. However, they must be organised in such a way as to limit the negative impact on the quality of service offered to end customers and to ensure viable solutions for existing business. ERFA stresses again and again that improved coordination on infrastructure works, in particular for international routes, is a key priority to improve rail's quality of service.

Firm commitments were made in June last year in Rotterdam both by EU Transport Ministers and the rail sector to urgently improve the coordination of infrastructure works on the rail freight corridors. One of the focus areas was the need for advanced notice by national transport ministries of funding for infrastructure works impacting international rail freight traffic, so that infrastructure managers are in a stronger position to coordinate works.

Full Press Release see [here](#)

### RAIL FREIGHT CORRIDOR SECTOR STATEMENT IMPLEMENTATION

CLECAT participated last week to the working group dealing with the implementation of the Rotterdam sector statement on Rail Freight Corridors which has been rebranded as the Sector Statement Group (SSG), with "caretakers" for each of the 10 identified priorities and a secretariat (for 2017 CER), which will rotate among the Brussels rail associations.



It is believed that this will improve the visibility and facilitate coordination of the sector statement follow-up work. Progress in this group is still slow as many stakeholders and corridors are somewhat over-occupied by the new structure of the volunteer group. CLECAT hopes that the focus remains on delivering results to improve the performance and quality of the RFCs by the end of the year.

The EC announced at the meeting that €12 million will be dedicated to RFCs in order to fund projects, aiming at removing bottlenecks and meeting the requirements of the Rotterdam Sector Statement.

## EC APPROVES DANISH SCHEME TO PROMOTE RAIL TRANSPORT INTEROPERABILITY

The European Commission has approved under EU state aid rules a Danish scheme to support rail freight operators' investment in new on-board traffic management equipment. The scheme will contribute to making railway systems more interoperable in the EU without unduly distorting competition.

Between 2018 and 2023, all regional and long-distance rail tracks operated by the Danish State will gradually be converted to the European Rail Traffic Management System (ERTMS), the European standard for Automatic Train Protection (ATP) that allows an interoperable railway system in Europe. ERTMS is a safety system that enforces a train's compliance with speed restrictions and signaling status. It will enable the creation of a seamless European railway system, and increase the safety and competitiveness of the European rail sector.

Conversion to ERTMS gives rise to significant transition costs for rail operators, including rail freight operators, who will have to invest in new on-board equipment compatible with the system. The Danish scheme is designed to support the cost for rail freight operators of investing in this new equipment. The state support takes the form of direct grants to be used for fitting the new equipment in eligible new locomotives, and for retro-fitting such equipment in eligible locomotives already in use. The beneficiaries will be the locomotive operators. The total budget of DKK 55m (around €7.4m) will be allocated to operators already present on the Danish rail network, as well as to new operators.

The Commission assessed the compatibility of the scheme under the [2008 Commission Guidelines on state aid for railway companies](#). The Commission concluded that the aid granted is necessary to achieve the intended objective of promoting interoperability of railway systems in the EU, in line with the [Directive on rail interoperability](#), and that it is proportionate, in accordance with EU state aid rules.

## 2017 MARKET PLACE SEMINAR

The 2017 Market Place Seminar will this year be organised on the 14th And 15th September in Duisburg, Germany. The focus will be on "Inland Hubs: key towards rail freight corridor development" create opportunities for increased cooperation and business development within the rail sector by offering a common platform for railway undertakings, freight forwarders and customers. There will be 4 main sessions focusing on

- transcontinental corridors myth or reality for business development?
- Connecting land-locked regions
- Accessibility of Freight Corridors
- Paperless, on-line and real time

More information on speakers, detailed programme and registration is available here:

<http://marketplaceseminar.org/Registration-37.html>



## LUXEMBOURG INAUGURATES NEW INTERMODAL FREIGHT HUB

Luxembourg's national railway, Chemin de Fer Luxembourgeois (CFL), has inaugurated its new intermodal freight hub in Bettembourg, which offers four times the handling capacity of the former terminal it has replaced. Strategically positioned on the freight corridor linking Northern Europe and the Mediterranean, the hub has attracted investment of €221m and became fully operational last month. It is equipped with four 700-metre platforms dedicated to combined road-rail freight, two mobile cranes, a storage area for more than 800 trailers and a 30,000m<sup>2</sup> multi-purpose shed, the spokesperson added. The former hub, known as Eurohub Sud, has been converted into a secure parking and service centre for trucks.

A scheduled rail freight 'motorway' service, operated by SNCF Logistics' affiliate, Lorry Rail, currently transports unaccompanied semi-trailers and swap bodies between Bettembourg and Le Boulou, near Perpignan, at the foot of the French Pyrenees. CFL is also targeting the development of intercontinental rail-borne container traffic at the new hub through the growth in freight train services linking Europe and China.

See [full story](#) in Lloyd's Loading List 12/07/17

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## Customs

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### PUBLIC CONSULTATION ON EXCHANGE OF INFORMATION WITH THIRD COUNTRIES

On 18 July 2017, DG TAXUD published a public consultation related to the exchange of customs-related information with third-countries.

The Commission considers that cooperation and exchange of customs-related information with third countries play an increasingly important role in the area of the Customs Union and common commercial policy, as trade volumes are still rapidly increasing and that security and safety risks are still rising. The continuously growing cross-border flows of small low-value consignments represents another challenge for customs administration.

The Commission is also of the opinion that different acts and lack of a single legal base and infrastructure for systematic exchanges of customs related information raises a question about possible limitations on the scope and functioning of the information exchange with third countries' customs administrations and other parties involved in the international supply chain as it does not allow for general and systematic exchanges, but needs ad hoc solutions which require lengthy and complex negotiation processes and create administrative burden. Moreover, Member States are facing pressure from third countries to enter into arrangements in the area of common commercial policy on a bilateral basis, but cannot do so as the topic falls under exclusive EU competence.

The Commission reminds that the Council, in its conclusion of December 2016, explicitly recommended "to consider coming forward, by the end of 2017, with proposals for a policy framework and where necessary Union legislation on enhancing the exchange of information between the Customs Authorities of the EU Member States and those of third countries in the area of common commercial policy".





The consultation therefore aims to gather views from stakeholders on the possible need for EU action to introduce a more effective tool to exchange customs related information with third countries and in case there is, on how this tool could be designed and what its scope should be.

The consultation is open to any interested stakeholder until 16 October 2017 and available [here](#).

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## Air

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### IATA - GLOBAL AIR FREIGHT DEMAND INCREASES 13% IN MAY

IATA released data for global air freight markets showing that demand, measured in freight tonne kilometres (FTKs), grew 12.7% in May 2017 compared to previous year's period. This was up from the 8.7% annual growth recorded in April 2017 and is more than three times higher than the five-year average growth rate of 3.8%. Freight capacity, measured in available freight tonne kilometres (AFTKs), grew by 5.2% year-on-year in May 2017.

For more details please visit: <http://www.iata.org/pressroom/pr/Pages/2017-07-05-01.aspx>

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## Maritime

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### SPAIN FINED FOR DELAY IN LIBERALISING THE PORT CARGO-HANDLING SERVICES SECTOR

Spain is ordered to pay a lump sum of €3 million because of its delay in liberalising the port cargo-handling services sector. The Court had already ruled for the first time, in a judgment delivered in 2014 that Spain had failed to fulfil its obligations

In a judgment of 11 December 2014,<sup>1</sup> the Court of Justice ruled that Spain had failed to fulfil its obligations under EU law and, more specifically, had infringed the principle of freedom of establishment. Spanish legislation in force at that time required undertakings from other Member States which wished to carry out cargo-handling activities in Spanish ports of general interest (i) to register with a public limited dockers' management company and, as the case may be, to hold shares in that company and (ii) to give priority in recruitment to workers provided by that company, including the employment of a minimum number of workers on permanent contracts.

As it took the view that, by a deadline of 20 September 2015, Spain had still not adopted the measures necessary to ensure compliance with the 2014 judgment, the Commission decided, in 2016, to bring a second action before the Court against Spain for failure to fulfil obligations and seeking the imposition of financial penalties.

On 12 May 2017, Spain adopted, with effect from 14 May 2017, new legislation modifying the rules governing workers with regard to the provision of port cargo-handling services. The Commission took the view that, by so doing, Spain had, from that point, taken all the steps necessary to ensure compliance with the 2014 judgment. It therefore maintained its action as regards the payment of a lump sum and the amount thereof, but withdrew in part its action with regard to the penalty payment.



In today's judgment, the Court finds that Spain had not, by the deadline set by the Commission, taken the measures necessary to ensure compliance with the 2014 judgment.

The Court finds that, although Spain has demonstrated its good faith, in particular by cooperating closely with the Commission during the pre-litigation procedure, the failure to fulfil obligations alleged against it continued for a significant length of time, given that 29 months passed between the delivery of the 2014 judgment and the entry into force of the new rules bringing the national legislation into line with the operative part of that judgment. The Court also takes the view that the failure to fulfil obligations must be regarded as a serious one, inasmuch as it adversely affects freedom of establishment, which is one of the fundamental principles of the internal market. In those circumstances, the Court considers it appropriate to order Spain to pay a lump sum of €3 million into the European Union budget.

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## *Sustainable Logistics*

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### **DO YOU KNOW THE CARBON FOOTPRINT OF YOUR SUPPLY CHAIN?**

More and more freight forwarders and logistics service providers are aware of the need for good corporate social responsibility, as well as to prepare for regulatory schemes that may require them to reduce carbon emissions. The difficulty many businesses now face, is understanding where to start.

Recognising this, CLECAT has become a partner in the [LEARN project](#), which aims to empower businesses to reduce their carbon footprint across their global logistics supply chains through improved measurement, reporting and verification (MRV).

The partners of the LEARN project (including TNO Netherlands) are able to support businesses, which have no experience with reporting, limited experience or who have specific complex multi-modal logistics settings where they have problems reporting. This testing exercise, led by TNO, would carry out CO<sub>2</sub> data collection and reporting on some of a company's logistics activities, and test the applicability and comparability of the [GLEC Framework](#) to their efforts.

This exercise will bring numerous benefits to companies who wish to participate. At a macro-level, these include the ability to identify emissions hotspots in a supply chain and calculate emissions in a consistent manner; to receive support from sustainable logistics experts; and to be part of a broad network aiming to reduce global freight emissions.

Furthermore, it will clearly set out the benefits of emissions measurement and accounting for companies which have not considered being active on this front, or are unsure how to do so; provide calculation guidance for setting up a system in line with the GLEC Framework; and help companies advise their customers on what they should ask for in order to have uniform and effective emissions information.

Forwarders will see how they can calculate their own emissions in a consistent manner, using real data, and thus be able to differentiate between different contracting carriers. This will aid procurement by giving a common core to companies' emissions-related contract requirements.



In terms of setting up a test case, LEARN partners will work with volunteer companies to define the test's scope, as regards carbon hotspots in their supply chain, current carbon footprint calculation practices, and logistics partners (shippers/carriers) with whom the testing could take place.

Work will then focus on identifying the relevant data to be collected, in line with the project's calculation guidance, and then collecting data to calculate the carbon footprint and assess any differences between the results obtained using this methodology and any previous figures.

Participation in existing schemes such as Lean & Green, Objectif CO<sub>2</sub>, Eco Stars etc. is complementary to the testing, as the GLEC Framework draws on such schemes and the processes required for compliance are the sort of activities which are being tested here.

Therefore, companies who are involved in schemes of this kind are perfectly eligible and are indeed actively encouraged to take part in the LEARN testing exercise. Testing can take place, for instance, on individual shipments, or a certain trade lane/customer chain, or the total transport and logistics operations which fall under a company's control.

Participating in this testing exercise will allow forwarders to identify savings in their logistics chains in order to achieve emissions-efficient operations, based on agreed calculation methods and recognised, comparable default factors for instances where data may not be available. By doing so, companies will be prepared for eventual customer demands and, potentially, national or European regulation.

The LEARN Project also involves supporting companies through guidance, training & education, developing a blueprint for a label, promoting and facilitating supportive policy and research, and developing a multi-stakeholder network to maximize business uptake of carbon accounting and reduction.

CLECAT wishes to talk with companies who would be interested in setting up a test case as part of the LEARN project. For more information and to discuss potential test cases, please get in touch with Aidan Flanagan ([flanagan@clecat.org](mailto:flanagan@clecat.org)) or Nicolette van der Jagt ([nicolettevdjagt@clecat.org](mailto:nicolettevdjagt@clecat.org))

The more cases there are, and the more varied they are, the more accurate and useful the results will be in determining how harmonised emissions reporting can be applied across logistics chains, with clear benefits for forwarders' sustainability and their bottom line.

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## *Forthcoming events*

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### **CLECAT MEETINGS**

**Road Institute/Sustainable Logistics Institute**

7 September, Brussels

**Joint CLECAT/FIATA Rail Freight meeting**

13 September, Duisburg

**Supply Chain Security Institute / Air Logistics Institute**

24 October, Paris





CLECAT Freight Forwarders Forum 2017  
24 November, Barcelona

## OTHER EVENTS WITH CLECAT PARTICIPATION

UIC/FIATA Market Place Seminar  
14-15 September, Duisburg

Collaborative Innovation Days  
27 September, Brussels.

IATA Cargo Security and Facilitation Forum  
3-4 October, Barcelona

FIATA WORLD CONGRESS  
3-7 October, Kuala Lumpur

INTERNATIONAL CUSTOMS CONFERENCE 2017  
8-9 November, Düsseldorf

## EP/COUNCIL MEETINGS

European Parliament  
**Transport and Tourism Committee**  
31 August, 1 September 2017  
9 November, 2017  
22, 23 November 2017  
4 December 2017

Transport, Telecommunications and Energy Council  
4-5 December, Brussels (Telecommunications & Transport)

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