

NEWSLETTER

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Brussels news

CLECAT AIR/SECURITY INSTITUTES MEET IN PARIS

On 24 October, the CLECAT Supply Chain Security and Air Logistics institutes met in Paris, at the invitation of TLF. The Supply Chain Security Institute discussed the need for more provision of secure parking for road transport, developments in Pre-Loading Advance Cargo Information for the air mode, air cargo screening technology, and the new EU cybersecurity strategy. The Institute elected Andreas Wilhelm, Global Security Manager of Kuhne + Nagel and delegate of DSLV, as its new Vice-Chair.

The Air Logistics Institute discussed developments in implementing e-Freight, including the e-Air Waybill, the implementation of the EU Aviation Strategy, efforts to measure and report on aviation carbon emissions, and the IATA-FIATA Air Cargo Program.

2018 COMMISSION WORK PROGRAMME

Following on from the announcements made in President Juncker's 2017 State of the Union Address, the European Commission has presented its Work Programme for 2018.



President Jean-Claude Juncker said: "Europe is regaining its strength, and we must take advantage of this renewed momentum. We have already put on the table 80% of the proposals we promised when this Commission took office. The priority must now be on turning proposals into law, and law into practice. The sooner the European Parliament and the Council complete their work, the sooner we will see the benefits of our joint efforts."

The focus of the 26 new initiatives in this year's Work Programme is two-fold. First, there are targeted legislative actions to complete work in priority policy areas, which will all be tabled by May 2018 to allow the European Parliament and Council to complete the legislative work before the European elections of June 2019. Secondly, the Work Programme presents ambitious actions and initiatives that have a more forward-looking perspective, as the new Union of 27 shapes its own future for 2025 and beyond. These proposals reflect the debate kick-started by the Commission's White Paper on the future of Europe and President Juncker's 2017 State of the Union Address.

The Commission Work Programme identifies 66 priority pending proposals presented in the past two years, including the *Mobility Package*, where swift adoption by the Parliament and Council is needed. The Work Programme proposes 15 proposals that follow on from regulatory fitness and performance (REFIT) reviews of current laws, taking into account the opinions of the REFIT Platform. These include initiatives on Electronic Transport Documents, Maritime Single Window and General arrangements for excise duty.

The Commission will table all legislative proposals <u>no later than May 2018</u>. This will allow the European Parliament and Council to complete the legislative work before the preparatory work for the June 2019 European elections will kick off. You will find all 26 new initiatives and proposals with dates on a one-pager <u>here</u>. From this, it can be concluded that there is still a lot of work in the remit of single market, digital and legal affairs.

FFF2017: SMART SOLUTIONS THROUGH MULTIMODAL TRANSPORT

CLECAT is inviting its members, policy makers and stakeholders to join its annual Forum, which is being organised with the support of the Port of Barcelona, on the 24th November at the WTC in Barcelona. *SMART AND SUSTAINABLE LOGISTICS SOLUTIONS THROUGH MULTIMODAL TRANSPORT* is the theme of the 2017 Freight Forwarders' Forum.

The FFF will hear from several multimodal logistics service providers and operators about what makes their business successful, how they deliver value for their customers. What are the needs in terms of a business environment, regulatory framework and infrastructure connections in order to build a multimodal system. How can innovation drive efficiency, resilience and emissions reduction at the same time? What is



needed to boost these developments? These are the themes and the questions that will be addressed during the Forum that will take place in the World Trade Center in Barcelona.

Speakers include Matthew Baldwin, Deputy Director General of DG MOVE, European Commission, Sam Bruynseels, CCO, Lineas, Mario Masarotti, CEO, Grimaldi Spain, Steve Parker, President, CLECAT, Santiago Garcia-Milà, Deputy Executive Director, Port of Barcelona, Fernando Liesa, Secretary General, ALICE, Tom Antonissen, Association of European Vehicle Logistics (ECG), Juergen Schmitt, Manager, Ekol Logistics Spain, Eduard Rodés, Director Escola Europea Short Sea Shipping, Rebecca Descarrega, BASF, Mark Scheerlinck, CBP Belgium, Denis Choumert, Chairman, European Shippers' Council, Jef Hermans, Managing Director, Portmade and others



LOGISTICS EMISSIONS MEASUREMENT TRIAL – HAVE YOU JOINED?

CLECAT and the other consortium partners of the LEARN project invite companies to test and validate the practical applicability of carbon accounting in different multi-modal logistics settings. The 'GLEC Framework for Logistics Emissions Methodologies' as the first universal method covering all transport modes and transhipment centers is used as a basis.

Participation in the exercise will provide companies with support on logistics carbon accounting and reporting, recognition of their carbon accounting efforts, and influence on future carbon accounting standards and related policies. Testing involves collaboration with existing business partners for a selected logistics supply chain to calculate the carbon footprint, based on the GLEC Framework, with support from LEARN partners. Further details can be found here.

For more information and help with any questions, please contact Aidan Flanagan at flanagan@clecat.org.

HORIZON 2020 TRANSPORT INFO DAY

On Wednesday, 13 December 2017, the Horizon 2020 Transport Info Day will take place in the in Brussels. It will address potential applicants to the Horizon 2020 'Smart, green and integrated transport' calls for funding under the 2018-2020 Horizon 2020 Work Programme, with the focus on funding opportunities in 2018.

Horizon 2020 is the biggest EU Research and Innovation programme ever with nearly €80 billion of funding available over 7 years (2014 to 2020) - in addition to the private investment that this money will attract. It promises more breakthroughs, discoveries and world-firsts by taking great ideas from the lab to the market. Horizon 2020 is the financial instrument implementing the Innovation Union, a Europe 2020 flagship initiative aimed at securing Europe's global competitiveness. The programme is open to everyone.

Presentations during the info day will cover various transport topics of the new Horizon 2020 Work Programme, as well as provide detailed information on the selection process and on the upcoming calls for funding.

The full programme, practical information and the form for registration can be found here

Road

POSTING OF WORKERS: AGREEMENT REACHED IN COUNCIL

On the 23rd November, the EPSCO Council agreed on a general approach on the revision of the Posting of Workers Directive. After lengthy negotiations between labour ministers from the Member States, with blocks with conflicting views on the scope and depth of the reform, a compromise was found. The reform of the Directive has been one of the hot topics during the last two years.



The new directive provides for remuneration of posted workers in accordance with host member state law and practices. One of the key aspects of the agreement focuses on the duration of postings. The agreement reached foresees a period of 12 months with the possibility of extending it to 18 months on the basis of a motivated notification by the employer. This reduction of the period from the original 24 months proposed has been considered as one of first victories of Emmanuel Macron, who welcomed the agreement in order to improve protection of workers against social dumping and reduce fraud.

Secondly, a transition period of 4 years (3 years to transpose the Directive plus 1 before its application) has been agreed. Moreover, there is a compromise to establish closer cooperation between Member States Authorities to fight against fraud.

As regards the transport sector, the provisions of the amending directive will apply from the date of entry into force of the forthcoming sector-specific legislation. Quoting the Agreement: "Because of the highly mobile nature of work in international road transport, the implementation in this sector raises particular legal questions and difficulties [...] which will be addressed through specific rules for road transport also reinforcing the fight against fraud and abuse, in the framework of the mobility package."

Despite believing that the Posting of Workers Directive should exclude international road transport operations from its scope, CLECAT welcomes this agreement on the exclusion of road transport until specific rules for the sector are discussed on the mobility package. The speciality of the transport sector is recognised by not applying the directive until an agreement on the posting drivers in the road transport sector is finally reached. In words of the President of the Council: "We must not create unnecessary obstacles to the free movement of services – for example in the transport sector that is mobile in nature."

However, CLECAT's general position is that the Posting of Workers Directive should not apply to international road transport operations as it would punish those that abide by the rules, and would add a disproportionate administrative burden to the sector. The three-day-threshold as a total per calendar month spent in the territory of a host Member States conflicts with the principles of freedom of movement and freedom to provide services while it ignores the reality of the sector's highly mobile workforce. CLECAT proposes more workable solutions in its Position Paper.

Business Europe's Director General Markus J. Beyrer said in a press statement "This is a bad compromise driven by political symbolism. Instead of defending free movement and enforcing already demanding existing rules to combat abuse, the Council has accredited a myth that the existing rules needed to be changed to fight against social dumping and divided Europe".

Source: <u>Euractiv</u> and <u>The proposal of the Council</u>.

Rail

EC APPROVES PUBLIC SUPPORT TO PROMOTE COMBINED TRANSPORT IN ITALY AND AUSTRIA

The European Commission has found the prolongation of an Italian scheme to encourage the shift of freight from road to rail to be in line with EU state aid rules. The aid takes the form of a subsidy to



railway companies performing freight services. The subsidy will offset rail infrastructure charges that road transport operations are not subject to. The original scheme was approved in December 2016 and allowed public support to be granted until 31 December 2017. The latest decision endorses the prolongation of the scheme for an additional period of 2 years, from 1 January 2018 until 31 December 2019, without increasing the original budget of €200 million. The Commission concluded that the scheme is compatible with EU state aid rules under the Railway Guidelines. The Commission has also found the prolongation of two Austrian schemes to be in line with EU State aid rules: (i) the first promotes a shift of freight transport from road to other types of transport, such as rail and inland waterways; (ii) the second, supports better connections between railways and transfer terminals. The two prolonged schemes will cover the period 2018 to 2022 and have a total budget of €650 million. The Commission concluded that the schemes are compatible with EU State aid rules, in particular the Commission Guidelines on State aid for railway undertakings.

Source: European Commission

Maritime

THE 2020S WILL BE THE ERA OF THE MEGA-CONTAINERSHIP ON **ASIA-EUROPE**

The Asia-North Europe trade will be almost entirely operated by ultra-larger container vessels (ULCVs) during the course of the next three years. But this will leave shippers with significantly fewer sailings each week. According to new research from SeaIntel, there will be 90 vessels of 14,000 teu-plus delivered to carriers over the next three years, which means that by 2020, this size vessel will account for 88% of the ships operating between Asia and Europe.

And if all the newbuilds are delivered according to schedule, by then 125 vessels on the Asia-North Europe trade would be 18,000 teu and above. Sealntel added that if demand remained at current levels, the delivery schedule would mean that the trade's entire needs could be covered by just 15 weekly services deploying 165 vessels across the three main deepsea alliances. "Assuming a healthy 5% demand growth in the coming three years, and also assuming the same degree of vessel utilisation as seen in 2017, it will essentially force each of the alliances to eliminate one of their current services," it said.

It means carriers have the potential to order another 14 18,000 teu vessels – pushing the forecasted level of 125 18,000 teu-plus vessels in 2020 to the 165 required to run 15 services, making the trade entirely mega-ULCV-operated. In turn, that would likely mean the trade's existing 14,000-17,000 teu vessels cascaded to the Asia-Mediterranean trade. But it is doubtful whether it could cope with that sort of influx, as that would mean that 84% of vessels on that trade would be 14,000 teu-plus size, "and the trade lane will be entirely unable to absorb more than a small portion of the spill-over from the North European trade".

SeaIntel chief executive Alan Murphy added: "Of course, 18,000 teu-plus vessels can also be phased directly into the Mediterranean trade, there is nothing preventing this. From that perspective, the field is wide open for more orders of 18,000 teu-plus tonnage. However, this would further exacerbate the cascading issues."

Source: The Loadstar



ABOLISH CABOTAGE AND INCREASE DIRECT SHIPPING LINKS — UN

Poorer counties need more port investment and better shipping connections if they are to take full advantage of globalized trade, communication and finance, according to a new report from the United Nations.

UNCTAD's Review of Maritime Transport 2017, published yesterday, outlines the growing rift between the best- and worst-connected countries. And it concludes that people, companies and societies with the least access to the benefits of globalisation remain hugely disadvantaged. Shipping was found by the UN to be a key factor in connectivity, with low-connectivity undermining the access of smaller and weaker economies to global markets.

To address the issue, the report called for national, regional and intercontinental liner shipping services to be interconnected wherever possible, a process which would be hugely aided by the removal of costly cabotage restrictions which "lead to unnecessary inefficiencies and a loss of maritime connectivity".

Well-designed policies which allow – under clearly defined conditions – international shipping lines to also carry domestic trade or international cargo from feeder vessels, enhance both the competitiveness of a nation's seaports and the access of importers and exporters to international shipping services, according to the UN.

Turning to long-haul shipping connections, the UN found that more than 80% of country pairs do not have a direct maritime connection, including large trading nations that lie across the same ocean such as Brazil and Nigeria. This can negatively impact export values by up to 40%, not least because of higher supply chain costs due to transhipment. By contrast, adding a direct maritime connection between country pairs can reduce overall trade costs by 9%. "A key question for trade and transport analysts is whether there are no direct connections between the two countries because there is not enough demand, or whether there is not much trade between them because the two trading partners are not well connected," added Jan Hoffmann, Chief of the Trade Logistics Branch of UNCTAD. The report also called for more competition between ports.

The UN concluded that inter-port competition should not be limited to national seaports, but instead extended to also include ports of neighbouring countries. "Improved maritime connectivity depends on effective port hinterland access through inland and multimodal transport connections," said the report. "Efficient regional trucking markets, inland waterways, rail and road infrastructure, and transit regimes are all important instruments to enhance inter-port competition."

Source: Lloyd's Loading List



Air

OUTGOING BATTLE FOR MORE FREIGHTER SLOTS AT SCHIPHOL

The outgoing Dutch secretary of state for infrastructure and the environment gave her support for Air Cargo Netherlands' bid to implement a 'local rule' at Schiphol, to help freighters secure slots at the capacity-restricted airport.

In a letter to the Dutch parliament seen by *The Loadstar*, Sharon Dijksma indicated her support for freighter operators, noting the "importance of air cargo for the main port of Schiphol and employment in the freight sector".

"I have indicated your chamber to be in favour of such a local rule, provided that it is in line with the principles of the European Final Regulation and in accordance with the system of the regulation by the co-ordination committee, will be submitted to me for approval."

Industry is also lobbying IATA to shift its 80:20 slot allocation rule to give freighter operators more, by implementing a 70:30 rule for maindeck aircraft. Despite repeated requests from *The Loadstar* for a comment from IATA on how it plans to support freighter operators, the association has yet to respond, aside from a robust defence last month of the 80:20 rule.

It said: "The Worldwide Slots Guidelines (WSG) are the global standard for managing congestion at slot-constrained airports. They are based on the principles of transparency, consistency and fairness, allowing a balance of historic use with access to new operators, and incentives for ensuring reliable use of scarce capacity. The 80:20 rule is an important element of the WSG which is proven to work effectively and is accepted worldwide as a benchmark. The best way to alleviate the problems caused by slot constraints is not to find ways around the WSG, but to ensure more capacity is brought into the airport system, through timely consultation with airlines. This is a Europe-wide problem, as more than 100 of the 177 capacity-constrained airports worldwide are in Europe and with passenger numbers set to jump by 50% in the next 20 years, the capacity crunch is reaching crisis levels."

Source: The Loadstar

Sustainable Logistics

COMMISSION PROPOSES SAFEGUARD MEASURES FOR EU ETS AFTER BREXIT

The European Commission has proposed safeguard measures to protect the environmental integrity of the EU Emissions Trading System (EU ETS) when Union law ceases to apply to the UK due to its withdrawal.

The United Kingdom has notified the Union in accordance with Article 50 TEU that it intends to leave the European Union. In its Guidelines following this notification, the European Council was clear that the Union would be constructive and strive to find an agreement, but also that it would prepare itself to be able to handle the situation if the negotiations were to fail.



The Commission has therefore presented a draft regulation amending the EU ETS Registry Regulation to the Climate Change Committee, in order to ensure the environmental integrity of the EU ETS during the ongoing third trading period (2013-2020). On 18 October, the European Parliament and the Council reached a provisional agreement on a provision in the ETS Directive for that purpose.

The proposed measures are considered necessary because, in the absence of any future agreement between the Union and the United Kingdom, Union law will cease to apply to the UK as of 30 March 2019. As of that moment, the installations and aviation operators in the UK would no longer be subject to any obligations as regards the EU ETS, in particular the obligation to surrender a number of allowances corresponding to the verified emissions during 2018 by 30 April 2019.

The proposed measures would provide for marking and restricting the use of allowances issued by the United Kingdom as of 1 January 2018. Marking allowances issued by the United Kingdom would distinguish them from other allowances. These marked allowances could no longer be surrendered in order to meet compliance obligations under the EU ETS. The proposed measures apply to the auctioning of ETS allowances, the issue of free allocation by the United Kingdom and the exchange of international credits for allowances, as of 1 January 2018.

It is important to underline that the proposed safeguard measures are without prejudice to any future agreement with the United Kingdom that may provide for specific arrangements after the date of withdrawal on 29 March 2019 to enable United Kingdom entities to effectively enforce compliance obligations arising under the EU ETS for the years 2018 and 2019.

Source: European Commission

Customs

EU ELIMINATES EXPORT SUBSIDIES AHEAD OF WTO CONFERENCE

On 17 October the European Union submitted, as part of the draft goods schedule for its 28 member states, a change of commitments incorporating the implementation of the landmark 2015 decision by WTO members to eliminate farm export subsidies. With this submission, the EU became the second WTO member with export subsidies reduction commitments after Australia to formally initiate the process aimed at implementing the landmark 2015 Nairobi Ministerial Decision to eliminate export subsidies. The changes will take effect in three months if no members raise any objections during that period.

Under the 2015 Decision, WTO members agreed to abolish agricultural export subsidies and set disciplines on export measures with equivalent effect, levelling the playing field for farmers around the world. Canada informed the committee that it is currently engaged in internal procedures to modify its schedule of commitments to implement the 2015 Decision. Canada said it expects to submit its draft revised schedule later this fall.

Sources: World Trade organisation and EU DG Trade



WCO MEETING ON TRADE FACILITATION AGREEMENT

The World Customs Organization Trade Facilitation Agreement Working Group (TFAWG) met for the eighth time from 16 to 18 October 2017 in Brussels at the WCO's Head Quarters. Hundreds of delegates, representing Customs, other Border Agencies and Trade Ministries from WCO Members, Observers from several International Organizations, the Private Sector and Academia participated.

Ambassador Blockert, the Swedish Ambassador to the WTO in Geneva said that the WCO has an important role to play in the implementation of the Trade Facilitation Agreement and that Customs administrations all around the world will have a key role in implementing it. He informed the delegates that many countries have told him that it was important for the WCO to be involved in the work of the WTO Trade Facilitation Committee because of its technical expertise and the capacity building efforts of the WCO.

When discussing the work of the TFAWG after the entry into force and the TFAWG Annual Work Plan, the meeting felt it was important to focus on National Committees on Trade Facilitation and establishing Coordinated Border Management in cooperation and coordination with other border agencies. One of the conclusions was that the TFAWG could support the WTO Trade Facilitation Committee by continuing to focus on the implementation of the TFA and monitoring the progress thereof.

In addition to various other topics, such as Post Clearance Audit, Single Window, National Committees on Trade Facilitation and Border Agency Cooperation, the TFAWG addressed the new WCO Time Release Study Guidelines. The WCO Time Release Study is a tool to diagnose the implementation of trade facilitation measure and to monitor the progress which is in line with the wishes of the TFAWG.

The TFAWG endorsed Ms. Ulrika Lyckman of Sweden as Chairperson for the next two years. The delegates elected Mr. L. Satya Srinivas of India to be the next Vice Chairperson.

INTERNATIONAL CUSTOMS CONFERENCE

On 9 and 10 November an international customs conference will be held in Düsseldorf. This conference provides a platform for those who are dealing with customs and trade at a high professional level. Internationally renowned speakers from the European Commission, jurisprudence, customs administrations, industry, academic and research institutions and legal consultancy will share their expertise with participants on the most recent developments at the EU and international level.

The conference promises to be a valuable, thought provoking and professionally stimulating event. There will be ample opportunity for participants to discuss and exchange views with the experts, gain insight into interesting cases and collect ideas for their daily practice. Customs professionals, officials, in-house counsel and (compliance) officers and consultants and lawyers are invited to attend the conference. The programme includes: UCC one year later; what has been achieved, the challenges of regime 42, e-commerce and of course Brexit.

The full programme, practical information and the form for registration can be found here.



Digitalisation

PUBLIC CONSULTATION ON ELECTRONIC TRANSPORT DOCUMENTS

The European Commission launched this week a public consultation to collect views and opinions on the use of electronic freight transport documents. This will support the Commission's analysis on the following key elements of the impact assessment: 'why transport documents in electronic format are not as yet more widely used'; 'how big may be the missed potential benefits'; 'possible measures to support the wide use of electronic transport documents among all transport and logistics stakeholders'; and expected impacts of these measures.

CLECAT members are welcome to respond to the consultation by filling in the online questionnaire. The consultation can also be of particular interest to public authorities in the transport sector, as well as customs, fiscal authorities and law enforcement, shipping companies, transport and logistics companies, ITS/telecommunication service providers, trade unions, NGOs and interest organisations. The questionnaire is accessible in most official EU languages. The questionnaire takes approximately 20 to 30 minutes to complete.

The European Commission is also assessing the current reporting formalities directive (also known as Maritime Single window). Both these initiatives aim at supporting trade and transport by exploiting the benefits of digitalisation, notably in terms of business to government relations. Consistency will be ensured between these two initiatives.

PUBLIC CONSULTATION ON TAXATION OF THE DIGITAL ECONOMY

This week the Commission started a consultation to define an approach to the taxation of the digital economy. According to the Commission the digitalisation of the global economy is happening fast. Businesses of all kinds now derive much of their value from intangible assets, information and data. Close to a third of the growth of Europe's industrial output is due to the uptake of digital technologies. Together, the current rules and the high mobility of intangible assets push down the tax contribution of more digitalised businesses, creating competitive distortions. In its Communication of 21 September 2017, the Commission sets out an ambitious and common EU agenda to ensure that the digital economy is taxed in a fair and efficient way.

The initiative should meet the goals of fairer and more effective taxation, supporting public revenue and a level playing field across businesses. It should also facilitate an efficient taxation, supporting EU growth and competitiveness through the Digital Single Market. It concerns different factors that can affect freight forwarders and other logistic service providers either directly through taxation of online services or the use of online (platform) services and indirectly because it also concerns for example distant sales.

The questionnaire takes about 20 minutes to complete. The questionnaire is accessible in all official EU languages. Some questions require expert knowledge and people are welcome to answer only some of the questions included. At the end of the questionnaire you will have the possibility to upload a document/position paper.



The consultation can be accessed here: Fair taxation of the digital economy

FIRST E-SIGNING OF AN EU LEGISLATIVE ACT

The first electronic signing of an EU legislative act took place on Wednesday 25 October in the European Parliament in Strasbourg. EP President Antonio Tajani and Matti Maasikas, of the Estonian Presidency of the Council, signed electronically the legally-binding texts of the revised regulation on "Security of gas supply", paving the way for its entry into force. This ceremony marks the first public step at the EU level of the e-signing process. It shows that the EU institutions are working together to make digital transformation a reality and to offer efficient and secure digital solutions in the public sphere.

It demonstrates the EU's commitment to implementing "eIDAS", the EU-wide regulation which provides for a predictable regulatory environment to enable secure and seamless electronic interactions between businesses, citizens and public authorities.

The Estonian presidency of the Council, the General Secretariat of the Council and the European Parliament worked together to prepare the pilot solution for the electronic signature of this legislative act. Parliament and the Council Secretariat will continue work on developing the process. In Europe, a qualified e-signature has the same legal validity as a handwritten signature in conducting business, executing procedures or expressing a commitment.

Forthcoming events

CLECAT MEETINGS

Maritime Institute

23 November, Barcelona

CLECAT Freight Forwarders Forum 2017

24 November, Barcelona

CLECAT Board meeting

24 November, Barcelona

Supply Chain Security Institute / Air Logistics Institute

28 February, Brussels

OTHER EVENTS WITH CLECAT PARTICIPATION

EUROPEAN RAIL SUMMIT

7 November, Brussels

DIGITAL TRANSPORT DAYS CONFERENCE

8-10 November, Tallinn



APAT CONFERENCE

10-11 November, Lisbon

INTERMODAL EUROPE

29 November, Amsterdam

THE FUTURE OF TRANSPORT 2017

6 December, Brussels

ALICE PLENARY + MEMBERS DINNER

13.12.2017, Brussels

EP/COUNCIL MEETINGS

European Parliament Transport and Tourism Committee

9 November 2017 22, 23 November 2017 4 December 2017

Transport, Telecommunications and Energy Council

24 October 2017, Luxembourg 4-5 December, Brussels (Telecommunications & Transport)

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