



European association for forwarding,  
transport, logistics and customs services

# NEWSLETTER

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*CLECAT wishes you a merry Christmas  
and a happy*



## Brussels news

### DG MOVE EVENT ON INTERNALISATION OF EXTERNAL COSTS

On 17 December, CLECAT attended the European Commission's stakeholders conference, dedicated to discussing the first insights from a study on sustainable transport infrastructure charging and the internalisation of transport externalities. The event was organised as part of the 2018 Year of Multimodality by the Commission's Directorate-General for Transport and Mobility (DG MOVE).

Preliminary results of the study: "Sustainable Transport Infrastructure Charging and Internalisation of Transport Externalities" were made available a few days prior to the event and can be found [here](#). One of the main findings is the extent of the overall external costs of transport, estimated at



around € 1 000 billion annually (almost 7% of the gross domestic product of the 28 EU Member States). The main contributors to this are environment (carbon, noise and pollution), accidents and congestion. The preliminary findings suggest that, for the time being, society largely pays for these costs, rather than the user or polluter. Road users pay for a bigger share of their total costs than rail users if infrastructure costs are included in the calculation. But if infrastructure costs are excluded, rail users pay for a bigger share of their external costs. Air traffic roughly covers the costs of aviation infrastructure, but only a small fraction of the environmental costs of flying. Waterborne transport users pay the smallest share of their total costs compared to users of other modes.

The Commission has noted that insights from this study will provide important input to the Commission's thinking on the further internalisation of these costs and possible policy measures to achieve this. The findings will ultimately contribute to the Commission's goal of improving efficiency within the overall transport system and further reducing CO2 emissions, congestion and air pollution, thereby improving the quality of life of European citizens.

The event was live streamed – the recording can be found [here](#).

## COUNCIL GENERAL APPROACH ON HDV CO2 EMISSION STANDARDS

On 20 December, the Council agreed on a [General Approach](#) on the Proposal for a Regulation of the European Parliament and of the Council setting CO2 emission performance standards for new heavy-duty vehicles. The Council maintains the overall CO2 emissions reduction target of 15% for the EU's fleet of new HDVs from 2025 onwards, compared to 2019 emission levels, as proposed by the Commission. Furthermore, it introduces a binding reduction target of 30% from 2030 unless decided otherwise following a review of the Regulation in 2022.

Moreover, the Council foresees the imposition of a financial penalty in the form of an excess emissions premium for those manufacturers that do not comply with the CO2 emission reduction targets. The Council also supports the super-credits, which is an incentive system whereby zero- and low-emission vehicles will be counted as more than one vehicle when calculating the specific emissions of a truck manufacturer. Those super-credits shall be subject to specific predefined caps to avoid a weakening of the environmental objectives of the regulation.

The trilogue negotiations are expected to start in January under the Romanian presidency.

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## Brexit

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### EC PROPOSALS ON ENSURING BASIC AIR AND ROAD CONNECTIVITY

On 19 December, the European Commission issued a communication on contingency measures for a no-deal Brexit that is in line with the second preparedness communication which was issued on 13 November 2018. In the [package](#), 14 “no-deal proposals” have been adopted which aim at mitigating some of the most significant damage that would arise from a no-deal Brexit scenario in selected areas.

On air transport, the Commission adopted two measures with the goal of avoiding full interruption of air traffic between the EU and the EU in the event of no-deal:

- a [proposal for a Regulation to ensure temporarily \(12 months\) the provision of certain air services](#) between the UK and the EU, and



- a [proposal for a Regulation to extend temporarily \(9 months\) the validity of certain aviation safety licenses](#).

The [proposal for a Regulation on common rules ensuring basic air connectivity](#) confirms that air services which are currently operated between the EU27 and the UK will be maintained after 29 March for a period of 12 months. This would permit air carriers from the UK to fly across the EU territory without loading, make stops in the territory of the Union for non-traffic purposes, and perform scheduled and non-scheduled international passenger and cargo air transport services.

However, the proposed Regulation also states that UK airlines will neither be allowed to add new routes, nor to increase frequencies on currently operated routes during that period. Thus, the current capacity that is offered by UK airlines to the EU-27, i.e. the frequencies operated by those carriers on the routes during the IATA winter and summer season of 2018, will be frozen as of 29 March 2019 in case of a no-deal situation.

The rights are granted subject to the UK conferring equivalent rights to air carriers from the EU, as well as to the UK ensuring conditions of fair competition. The Commission would monitor the rights granted by the UK to Union air carriers and the conditions for their exercise to ensure equivalence of rights. Where it would be determined that the rights granted by the UK are not, de jure or de facto, equivalent to those granted to the UK under the proposed Regulation, the Commission may, to restore equivalence, adjust the capacity available to UK air carriers, require the Member States to refuse, suspend or revoke the operating authorisations, or adopt other appropriate measures.

Regarding road haulage, the Commission published a proposal for a [Regulation on common rules to ensure temporarily basic road freight connectivity](#) between the EU and the UK. This would allow operators from the UK temporarily (9 months) to carry goods into the EU, provided the UK confers equivalent rights to EU road haulage operators and subject to conditions ensuring fair competition. In analogy to the rules for the aviation sector, the proposed Regulation vests the Commission with the task to monitor the conditions of competition between the EU-27 and the UK road haulage operators. It simultaneously empowers the Commission to adopt the necessary measures to ensure that those conditions remain equivalent at all times.

CLECAT believes that the measures for road transport are important as concerns exist on whether national authorities in the various Member States are prepared for a no-deal situation by engaging with road carriers carrying out transport activities to the UK through the ECMT license system. CLECAT appreciates the adoption of the contingency measures, but a no-deal situation should be avoided at all costs.

The Commission has called on the European Parliament and Council to adopt the proposed legislative acts swiftly to ensure that they will enter into force by 30 March 2019.

## BREXIT AND CUSTOMS

With regards to Customs and the export of goods, the Commission noted in [its communication of 19 December](#), that if the Withdrawal Agreement is not ratified, all relevant EU legislation on imported goods and exported goods will apply as of the withdrawal date (29 March 2019). This includes the levying of duties and taxes and the respect of the formalities and controls required by the current legal framework, in order to ensure a level playing field. The Commission noted that Member State action continues to be essential. Member States must take all necessary steps to be in a position, as from the withdrawal date in case the withdrawal agreement is not ratified, to apply the Union Customs



Code and the relevant rules on indirect taxation to all imports from and exports to the United Kingdom. The Commission also added that they should use the existing possibilities to issue authorisations for facilitation measures provided for in the Union Customs Code. In meetings with the Member States, the Commission has provided detailed information on the options available under the Union Customs Code. CLECAT appreciates these efforts, as this was also requested and discussed by CLECAT's Brexit Working Group.

The Commission has moreover adopted, on 19 December two technical measures. [A Delegated Regulation to include the seas surrounding the United Kingdom](#) in the provisions on **time-limits within which entry summary** declarations and pre-departure declarations have to be lodged prior to entering or leaving the Union's customs territory. The regulation ensures that Entry and Exit Summary Declarations can be lodged at the latest two hours before departure from a port in the customs territory of the Union, instead of 24. The other adopted regulation concerns **export of dual-use items**. If the Withdrawal Agreement is not ratified, the export of dual-use items from the EU to the United Kingdom, as of the withdrawal date, will require individual licenses. To facilitate controls on the export to the United Kingdom of dual use items as of the withdrawal date in case of no-deal and to ensure the good functioning of the export authorisation, the Commission has adopted a proposal for [a Regulation to add the United Kingdom to the list of countries for which a general authorisation to export dual-use items is valid throughout the EU](#).

Furthermore, the UK has communicated that it is set to remain in the [Common Transit Convention \(CTC\) after Brexit](#). The CTC is used for moving goods between the EU member states, the EFTA countries (Iceland, Norway, Liechtenstein and Switzerland) as well as Turkey, Macedonia and Serbia. The UK is currently a member of the CTC while it is in the EU and has successfully negotiated membership in its own right after Brexit. This would apply to any new trading relationship with the EU or in the unlikely event of a no deal. Membership of the CTC will help ensure that trade moves freely between the UK and CTC members after the UK leaves the EU. It will provide cashflow benefits to traders and aid trade flow at key points of entry into the UK, as traders will only have to make customs declarations and pay import duties when they arrive at their final destination. In case of a no-deal situation the CTC will also be applied.

The UK has also updated most of its [technical notices in case of a no deal situation](#), as a result of the UK's Cabinet agreement on 18 December to proceed with the Government's next phase of no deal planning.

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## Customs

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### EU CUSTOMS SINGLE WINDOW PROJECT MEETS IN MALTA

Earlier this month, CLECAT joined the meeting of the Customs Single Window project group of DG TAXUD in Malta. The objective of the EU Single Window environment for customs is to enable economic operators to electronically lodge only once all the information required by customs and non-customs legislation for EU cross-border movements of goods.

Given the complex nature of this task and the extensive work it entails, a phased approach to the creation of the Single Window was adopted for its implementation. The first step was the enabling of automated validation of supporting certificates and licenses to the customs declaration, using the EU Customs SW IT solution provided by the DG TAXUD infrastructure. The automated acceptance and





verification of certificates by customs already offer benefits to both economic operators and public administrations. The system is operational in nine Member States since 2018 (Czech Republic, Ireland, Slovenia, Latvia, Bulgaria, Poland, Cyprus, Estonia and Portugal). Successful conformance tests have been performed by Lithuania and other Member States have expressed interest to participate in the successor of the project, called EU Customs SW – CERTEX (e.g. France,

Belgium, and Luxembourg).

Three new certificates will be added to the project: Forest Law Enforcement, Governance and Trade (FLEGT) from DG ENV, Certificate of Organic Inspection (COI) from DG AGRI and Common Health Entry Document for Plant Protection (CHED-PP) from DG SANTE. The same functionalities are envisaged as for the CVEDA, CVEDP and CED after its enhancement. All three new certificates are (or will be) managed by TRACES administered by the European Commission's DG SANTE.

In parallel with the activities on certificates exchange, the Customs 2020 Project Group has studied a possible framework to develop the EU Single Window environment for customs including its legal aspects. Furthermore, the European Commission launched a public consultation to provide stakeholders involved in the cross-border movement of goods with the opportunity to express their views on all elements covered by [the impact assessment](#).

To participate in the public consultation, please follow [this link](#).

## 2018 EXPORT CONTROL FORUM

On 13 December, CLECAT attended the 2018 Export Control Forum organised by the European Commission and the Austrian Presidency. The conference provided an opportunity to discuss export control implementation in the EU and take stock of the ongoing export control policy review.

The conference highlighted the need to regularly update the regulatory regime in order to respond more effectively to risks associated with newly emerging threats, technological and trade developments. In that context, the forum discussed the EU Council's long-debated position on the modernisation of EU export controls and that Member States are still trying to reach a compromise on some items of the European Commission proposal for a regulation.



The conference also discussed the development of the EU industry compliance guidelines (ICP). The feedback received during the public consultation process was presented and it was noted that the final text of the guidelines is expected to be published in early 2019. The forum also held a discussion on the importance of the IT infrastructure of the EU export control network and the role of digitalisation, more particularly the opportunities provided by e-licencing and cloud computing. The European Commission presented the e-licencing project that is currently under development. The project aims at improved exchange of information between customs and other authorities in different





Member States. It will be integrated in the Customs Single Window environment, where CLECAT is member of the project group. The project is set to reach full integration by 2021.

A special panel was dedicated to the topic of trade in cyber-surveillance technology and the importance of having tighter EU controls in that area. Speakers from different fields, government, civil society and industry, presented their different perspectives on the interplay between security, human rights and trade. The discussion highlighted the need to establish a more harmonized regulatory approach and strike a balance between different interests. Other agenda items included detailed presentation of the annual changes to the dual-use list based on the decisions taken in 2017 under the regime and the role of academic research for export controls.

## 2018 UPDATE OF THE EU CONTROL LIST OF DUAL-USE ITEMS

On 14 December, the European Commission published [Delegated Regulation \(EU\) 2018/1922](#) that introduces amendments to the EU dual-use list in Annex I to Regulation (EC) No 428/2009 and brings it in line with the decisions taken within the framework of the international non-proliferation regimes and export control arrangements in 2017. The Commission Delegated Regulation entered into force on 15 December.

The majority of the changes this year result from amendments agreed at the 2017 Plenary of the Wassenaar Arrangement. The implemented updates also reflect decisions taken by the Missile Technology Control Regime, the Nuclear Suppliers Group and the Australia Group. The [Comprehensive Change Note Summary 2018](#) provides a detailed overview of all technical changes compared to the 2017 EU Dual-Use Control List.

Source: [European Commission](#)

## EC EXTENDS INVESTIGATION ON IMPORTS OF STEEL PRODUCTS

On 26 March 2018, the European Commission initiated a safeguard investigation on imports of steel products into the EU. The safeguard investigation is one of the three types of measures the Commission announced in response to the US restrictions on steel and aluminium. It concerns products of all origin and its opening does not prejudice its results. However, the procedure can also result in imposition of import tariffs or quotas that would shield EU producers from excessive imports, if this proves necessary. The surveillance system for imports of steel has provided evidence that imports of certain steel products have been increasing.

However, the size of the investigation, in terms of product scope (28 product categories) as well as number of interested parties is unprecedented. According to the Commission, the investigation therefore entails a heavy administrative burden on the Commission. Moreover, the current provisional safeguard measures adopted against certain steel products ensures the temporary protection of the Union industry. It is therefore considered that the above situation qualifies as exceptional circumstances under which the Commission is allowed to extend the duration of the investigation beyond 9 months. Should definitive measures be adopted, the Commission would publish an Implementing Regulation by 1 February 2019 at the latest.

Source: [EU Commission, DG TRADE](#)



## NEW RULES GOVERNING THE IMPORT OF CULTURAL GOODS

On 19 December, the EU Council endorsed a provisional agreement with the European Parliament on a [draft regulation](#) which will prevent the import and storage in the EU of cultural goods illegally exported from a non-EU country. The regulation covers cultural goods that are created or discovered outside the EU and are due to be released in free circulation or placed under a customs procedure other than transit. The proposed regulation complements the existing EU legal framework on trade in cultural goods, which until now has only included legislation covering the export of cultural goods and the return of cultural objects unlawfully removed from the territory of an EU country.

The draft regulation divides the cultural works into two categories depending on the extent to which they are vulnerable to pillage and destruction:

- Imports of the most vulnerable cultural goods, such as archaeological objects and elements of monuments, will require a special import licence issued by an EU country if they are at least 250 years old. This licence will be issued upon proof by the importer that the goods in question have been lawfully exported from their country of origin.
- Imports of less vulnerable cultural goods, such as collections of fauna or flora, coins, engraved seals, paintings, sculptures, books, which are at least 200 years old and are worth at least €18 000 will require a statement by the importer that the goods in question have been lawfully exported.

The European Commission will set up a centralised electronic database where the information on cases where import licences have been granted and importer statements issued will be stored. The database will be accessible to all national authorities in the EU.

The European Parliament and the Council will have to formally adopt the regulation which shall apply in principle as from the day of its entry into force. Deferred application is foreseen with regard to some provisions to allow time for the necessary administrative adjustments by EU customs authorities.

Source: [EU Council](#)

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## *Sustainable Logistics*

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### LEARN INTERNATIONAL WORKSHOP

On 6-7 February 2019, the Logistics Emissions Accounting and Reduction Network project (LEARN) partners are hosting a workshop, where project results and learnings will be presented and discussed.

The workshop will demonstrate practical examples of companies that have tested emissions calculation, assurance and reporting in practice, and recognise their achievements. It will also be explored how to move forward and work with businesses beyond the LEARN project through policy, research, training and a growing network of programs and initiatives.





The Logistics Emissions Accounting and Reduction Network project (LEARN) mobilizes business to reduce their carbon footprint across their global logistics supply chains through improved emissions calculation, assurance and reporting. Over the past

2 years, LEARN partners – including CLECAT – have been working closely with related organizations, initiatives and already existing networks. This includes the Global Logistics Emissions Council (GLEC), a voluntary partnership of companies, industry associations and programs, led by Smart Freight Centre. The LEARN project has built on and sought to improve the ‘GLEC Framework for Logistics Emissions Methodologies’ that combines existing methods and fills gaps, making carbon accounting work for industry.

The full two-day agenda and the registration form can be found [here](#).

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## *Forthcoming events*

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### CLECAT MEETINGS

CITI Customs Indirect Taxation Institute meeting

31 January - 1 February, Brussels, Belgium

Sustainable Logistics Institute

6 February, Brussels, Belgium

AIR/SECURITY Institute meeting

17 April, Schiphol Airport, The Netherlands

### OTHER EVENTS WITH CLECAT PARTICIPATION

LEARN International Workshop

6-7 February, Brussels

### EP/COUNCIL MEETINGS

European Parliament TRAN Committee

10 January, Brussels

21-22 January, Brussels

29 January, Brussels

European Parliament Plenary

14-17 January, Strasbourg

European Transport Council

4 March, Brussels

7 March, Brussels





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