

## Table of content

|                                                        |     |                                                          |     |
|--------------------------------------------------------|-----|----------------------------------------------------------|-----|
| COREPER CONFIRMS AGREEMENT ON MOBILITY PACKAGE         | P 2 | NEW UCC WORK PROGRAMME                                   | P 6 |
| STEP FORWARD IN THE DIGITALISATION OF TRANSPORT        | P 2 | EUROPEAN CUSTOMS DATA MODEL VERSION 5.1                  | P 7 |
| GLEC FRAMEWORK: TRANSLATING RESULTS INTO ACTION        | P 3 | EU PROLONGS SANCTIONS AGAINST RUSSIA                     | P 7 |
| MOU ON PROVISION OF VERIFICATION TRAINING FOR CORSIA   | P 4 | EC APPROVED PUBLIC SUPPORT FOR MODAL SHIFT IN AUSTRIA    | P 8 |
| CONTAINER LINES INCREASE DETENTION/DEMURRAGE PENALTIES | P 5 | INCREASED RATE FOR TRAIN PATH PRICE SUBSIDIES IN GERMANY | P 8 |
| EC APPROVES MARITIME TRANSPORT SUPPORT SCHEMES         | P 5 | PRIME PAPER ON CREATING A LOW-CARBON TRANSPORT SYSTEM    | P 9 |

---

## Season's wishes

---

CLECAT wishes you a  
merry christmas  
and a happy new year!

Nicolette, Dominique, Constantino,  
Ekaterina, Miglè

2020

The CLECAT team thanks its members and those we have been working with over the last year for their cooperation. On the policy side, we have jointly worked on many initiatives and topics, to name only a few: the digitalisation of freight transport information, air freight security, secure parking areas, the Mobility Packages, the review of the Consortia BER, ICS2 and not the least Brexit, which was never far away. We look forward to continuing our work in 2020.

On the Brussels political front, we have seen a new European Parliament taking its seat which offered the opportunity to introduce the freight forwarding and logistics sector to the new Members in the European Parliament.

The von der Leyen Commission was installed early December. Only last week, the Commission presented its much-anticipated Green Deal, outlining its ambitions for carbon neutrality by 2050. CLECAT welcomes the ambition but warns that it should match with realistic proposals and financing. We look forward to continuing our work on this initiative and to learn more about the details to support the Commission in finding workable solutions.

---

# News from Brussels

---

## COREPER CONFIRMS AGREEMENT ON MOBILITY PACKAGE

Today, the Council's Permanent Representatives Committee (Coreper) approved **the mobility package** – on **drivers' working conditions, special posting rules for drivers in international transport, access to the haulage market, and improved enforcement**. A provisional agreement was reached between the Council presidency and the European Parliament on 11 December (CLECAT's response to this agreement is available [here](#)).

The rules on maximum work and minimum rest times for drivers will remain unchanged. However, a degree of flexibility will be introduced in the **organisation of work schedules** for drivers in international freight transport to enable them to spend more time at home. Drivers will also have the right to return home every three or four weeks, depending on their work schedule.

The new rules confirm that the regular weekly rest period (at least 45 hours) must be spent **outside the vehicle**. If this rest period is taken away from home, the accommodation must be paid for by the employer. Although the regular weekly rest period cannot be taken in a parking area, the EU will promote the construction and use of **safe and secure parking areas**.

With regard to rules on transport operations carried out within a national market outside a transport operator's own country ('**cabotage**'), the current system allowing a maximum of 3 operations in 7 days will remain unchanged. To prevent systematic cabotage, a 'cooling-off' period of 4 days will be introduced before further cabotage operations can be carried out in the same country using the same vehicle. A Member State may apply these same rules to road legs of combined transport in its territory.

Rules on the **posting of drivers** clarify how professional drivers in goods or passenger transport will benefit from the principle of the same pay for the same work at the same place. The general rule will be that if an operation is organised in such a way that the link between the driver's work and the country of establishment remains intact, the driver will be excluded from posting rules. This means that bilateral transport operations are explicitly excluded. On the way to the destination country and on the way back, one additional activity of loading and/or unloading goods is permitted in both directions without falling under the posting regime, or there may be zero activity on the way out and up to two activities permitted on the way back. Transit is also excluded. For all other types of operations, including cabotage, the full posting regime will apply from the first day of the operation.

The rules in the posting and market access proposals (including the rule on the return of trucks) will become applicable 18 months after the entry into force of the legal acts. The rules in the driving times proposal (including the return of drivers) will apply 20 days after publication, with the exception of the special deadlines for tachographs. The agreed text will now undergo legal and linguistic finalisation. It must then be formally adopted, first by the Council and then by the Parliament (early second reading).

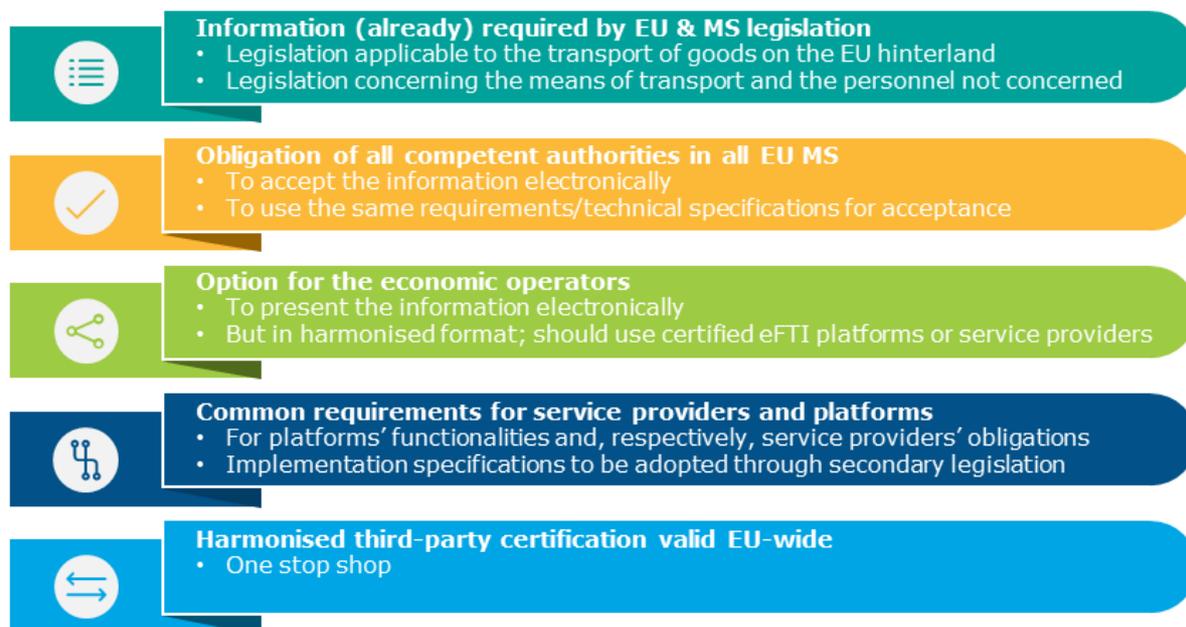
## STEP FORWARD IN THE DIGITALISATION OF TRANSPORT

On 18 December, the Council's Permanent Representatives Committee (Coreper) approved the proposal for the electronic Freight Transport Information (eFTI). The Regulation creates a uniform legal framework for digital exchange of regulatory transport data in all modes of transport. The



approval follows the provisional agreement which was reached between the Council presidency and the European Parliament on 26 November.

The new rules will require all relevant public authorities to accept information made available electronically whenever companies choose to use such a format to provide information as proof of compliance with legislative requirements. However, companies will still be able to present the information in paper format if they prefer. CLECAT welcomes the approval by the Council as it has been actively involved in the creation of the eFTI Regulation.



Within 30 months from the entry into force of the new rules (which is expected in April 2020), the Commission will adopt technical specifications, seeking to ensure interoperability between the various IT systems used for the exchange of freight transport information. The Commission will also set out common procedures and detailed rules for accessing and processing such information, to ensure that the rules are applied consistently by the authorities concerned. All this is done through secondary legislation.

Subgroup 1 of The Digital Transport and Logistics Forum (DTLF) was mandated earlier this year to advise and assist the Commission with the creation and implementation of the legislation on harmonised data, technical and procedural requirements. CLECAT's senior manager, Dominique Willems, was appointed as Rapporteur of this group by the Commission and the Members of the DTLF. According to the Commission's DG MOVE, *'the DTLF has played a particularly important role in the preparation of the Commission's proposal and they are looking forward to continuing working with the DTLF to ensure its best possible implementation'*.

Sources: [European Council](#), [EU Commission](#)

## GLEC FRAMEWORK: TRANSLATING RESULTS INTO ACTION

On 10 December, CLECAT attended the interactive workshop in Brussels on the future of green businesses entitled 'The GLEC Framework: Translating Results into Action'. During the workshop, participants discussed the application of the GLEC Framework for calculation and reporting of the logistics emissions across the multi-modal supply chains.



To kick-off the debate, a presentation was given by Mr Alan Lewis, Technical Director at the Smart Freight Centre, on how the GLEC Framework supports green logistics. Mr Lewis noted that it was difficult for companies to calculate the GHG emissions of their logistics operations, as much of the logistics services were outsourced, with many modes and sub-contracted suppliers leading to a complex system. He explained that the GLEC Framework was therefore instrumental as it harmonised the existing methodologies into a single framework covering multi-modal supply chains, improved the comparability of calculations and provided simplicity, transparency, accuracy and flexibility. He added that an ISO standard for transport service GHG calculation and reporting was being developed on the basis of the GLEC Framework.



Mr Maarten Cuijpers, Global Logistics and Sustainability Lead at Heineken, demonstrated the applicability of the GLEC Framework, as the company’s carbon footprint calculation was aligned with the GLEC Framework. He explained that Heineken’s approach to reducing emissions in logistics focused on operational improvements, such as better vehicle capacity, route planning and optimisation, warehouse layout, as well as energy/fuel and modal improvements. He emphasised that sustainability did not come without a challenge in logistics, as it required increased truck efficiency, availability and affordability of low carbon technologies that are able to move heavy products over long distance, deployment of alternative fuel infrastructure and the need to balance costs, service and sustainability in business processes. He summarised by saying that collaboration was key to create sustainable supply chains.

Mr Antonino Barbera Mazzola from the European Commission’s DG CLIMA) conveyed the Commission’s perspective on the role of transport in CO<sub>2</sub> emissions reduction. “We need to devote special attention to the transportation sector if we want to be climate-neutral by 2050,” he said, adding that investments were needed in new technologies and infrastructure, with clean investments continuing to lead to economic growth. Mr Barbera Mazzola emphasised the Commission’s commitment to preserve mobility but stressed that this must be combined with significant reduction in GHG emissions. In conclusion, he noted that logistics play an important role as moving goods in a smarter and more efficient way can contribute significantly to the overall transport sector CO<sub>2</sub> emissions reduction.

To note, the GLEC Framework is the only globally recognised methodology for harmonised calculation and reporting of the logistics GHG footprint across the multi-modal supply chains. CLECAT has been promoting the development of the revised version of the [GLEC Framework](#) as well as the new ISO standard on the carbon footprint of transport operations.

---

## *Air*

---

### **MOU ON PROVISION OF VERIFICATION TRAINING FOR CORSIA**

On 17 December, the International Civil Aviation Organization (ICAO) and the International Accreditation Forum (IAF) signed a Memorandum of Understanding (MoU) for the provision of training for ICAO's Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA).



CORSIA contributes to the achievement of ICAO's goal of carbon neutral growth from 2020 onwards, complementing other measures such as technological innovations, operational improvements and sustainable aviation fuels. Following CORSIA's adoption at the 39th ICAO Assembly in 2016, ICAO developed Standards and Recommended Practices (SARPs) and guidance for the implementation of the CORSIA Monitoring, Reporting and Verification (MRV) system. As of 1 January 2019, all aircraft operating on international routes are being monitored for their CO2 emissions on an annual basis. These emissions will be verified and reported to ICAO starting in 2020 through the CORSIA Central Registry.

By signing the MoU, IAF and ICAO have entered into a cooperation involving the provision of training to accreditation and verification bodies as well as sharing of information on CORSIA requirements, IAF requirements and accreditations of IAF Accreditation Body Members in relation to CORSIA, including the IAF relevant scopes and related CORSIA MRV requirements adopted by the ICAO Council and endorsed by IAF.

Source: [ICAO](#)

---

## Maritime

---

### CONTAINER LINES INCREASE DETENTION/DEMURRAGE PENALTIES

In recent weeks, four ocean carriers informed customers of an increase in detention and demurrage penalties for 2020 amid a larger Federal Maritime Commission (FMC) investigation into the practice, including whether the charges are reasonable. The increases run from \$10/day to nearly \$100/day, including a new \$75/container fee for a customs inspection. The size of the fees and what expenses these are intended to cover are a sensitive subject to beneficial cargo owners (BCOs).

A group representing BCOs petitioned the FMC to intervene because they believe carriers unfairly use detention and demurrage as revenue generators. Carriers and terminal operators countered that the fees cover storage costs and lost business opportunities when containers are not turned over quickly. The FMC is reviewing [a proposed rule](#) that would establish a platform for BCOs to file complaints about fees and provide a framework to determine their reasonableness on a case-by-case basis. The agency is [reviewing comments](#) received in September and October before making a final decision.

The full article with the details of the announced increases is available at the [JOC](#)

### EC APPROVES MARITIME TRANSPORT SUPPORT SCHEMES

On 16 December, the European Commission approved under EU State aid rules five schemes to support maritime transport in Cyprus, Denmark, Estonia, Poland and Sweden. The schemes encourage ship registration in Europe and contribute to the global competitiveness of the sector without unduly distorting competition.

The Commission adopted five separate decisions, concerning the introduction of a tonnage tax and seafarer scheme in Estonia, the prolongation of a tonnage tax and seafarer scheme in Cyprus, the introduction of a new seafarer scheme in Poland, the prolongation and extension of a seafarer scheme in Denmark, and the prolongation of a seafarer scheme in Sweden. The Commission assessed the five



schemes under EU State aid rules, in particular its [Guidelines on State aid to maritime transport](#) (the “Maritime Guidelines”) and established that all schemes are in line with its interpretation of the Maritime Guidelines.

As regards the tonnage tax schemes in Estonia and Cyprus, the Commission found that the schemes comply with the rules limiting tonnage taxation to eligible activities and vessels. Furthermore, as regards taxation of dividends of shareholders, the Commission found that both the Estonian and the Cypriot tonnage tax schemes ensure that shareholders in shipping companies are treated in the same way as shareholders in any other sector. As regards the seafarer schemes in Estonia, Cyprus, Poland, Denmark and Sweden, the Commission found that all five Member States have agreed to apply the benefits of their respective scheme to all vessels flying the flag of any EU or EEA Member State.

The Commission concluded that the schemes are in line with EU State aid rules, as they will contribute to the competitiveness of the EU maritime transport sector and encourage ship registration in Europe, while at the same time preserving Europe's high social, environmental and safety standards and ensuring a level playing field.

The non-confidential version of the decisions will be published under the case numbers SA.51809 (Cyprus), SA.52069 (Denmark), SA.53469 (Estonia), SA.46380 (Poland), SA.46740 (Sweden) in the [State aid register](#) on the Commission's [competition website](#) once any confidentiality issues have been resolved. The [State Aid Weekly e-News](#) lists new publications of state aid decisions on the internet and in the EU Official Journal.

Source: [European Commission](#)

---

## Customs & Trade

---

### NEW UCC WORK PROGRAMME

On 16 December, the new version of the Union Customs Code (UCC) work programme was published. The work programme provides an instrument to support development and deployment of the customs IT systems. The previous version of the work programme was established in 2016, at the start of the UCC implementation.

According to EU customs legislation, all exchanges of data between the authorities and the private sector must be digital. In customs many procedures were already digital before the UCC, but some remained, which now have to become electronic. Next to the obligation for digital procedures, the UCC and its work programme ensure improved harmonisation of the IT systems. In several cases the procedures are even centralised at EU-level or can be performed in a centralised manner by the private sector.

The new work programme was necessary to align the IT planning with the new deadlines for implementation, which was established earlier this year. The new deadlines prolong the implementation period of various of the main systems, including Import, Export (ECS/AES), Transit (NCTS) and Entry (ICS). The new programme also established new obligations for reporting on the implementation.



CLECAT welcomes the new work programme, as it has also supported the extension of the deadlines earlier this year. An important aspect of the extension of the deadlines is to provide the private sector with the necessary time to implement the new systems and to adapt to their accompanying procedures. Additionally, CLECAT considers that well designed and well implemented systems are more important than hastily created faulty systems which cause delays and additional costs.

More information on the workplan and the implementation can be found on [the DG TAXUD website](#).

Source: [European Commission](#)

## EUROPEAN CUSTOMS DATA MODEL VERSION 5.1

On 16 December, the European Commission published the new European Customs Data Model Version 5.1 (EUCDM). The EUCDM is available on the [EUCDM website](#), including [an overview of the introduced changes](#). The new version introduces an additional section for the “EEZ Receipt Declaration” which can be accessed by the left-hand side navigation.

The EUCDM version 5.1 HTML publication includes the interpretation of the provisions of [Commission Implementing Regulation \(EU\) 2019/1131](#) which establishes the so-called receipt declaration required in cases where a product is brought to an artificial island, a fixed or floating installation or any other structure in the continental shelf or in the exclusive economic zone of a Member State of the Union directly from outside the customs territory of the Union. To ensure that the information necessary to determine whether the payment of anti-dumping and/or countervailing duty is due is available to the customs authorities or to fulfil registration and reporting obligations, the product concerned should be declared by means of a receipt declaration lodged by the recipient within 30 days of the receipt of the product concerned on an artificial island, a fixed or floating installation or any other structure in the continental shelf or in the exclusive economic zone. The declaration should be lodged at the competent customs authority of the Member State to which the continental shelf or exclusive economic zone belongs.

Source: [European Commission](#)

## EU PROLONGS SANCTIONS AGAINST RUSSIA

On 19 December, the Council prolonged the economic sanctions targeting specific sectors of the Russian economy until 31 July 2020. This decision follows an update by President Macron and Chancellor Merkel to the European Council on 12 December 2019. Given that previous agreements are not fully implemented, the European Council unanimously took the political decision to renew the economic sanctions against Russia.

The measures target the financial, energy and defence sectors, and the area of dual-use goods. They were originally introduced on 31 July 2014 for one year in response to Russia's actions destabilising the situation in Ukraine and strengthened in September 2014. The economic sanctions prolonged by this decision include:

- imposing an export and import ban on trade in arms;
- establishing an export ban for dual-use goods for military use or military end users in Russia;
- curtailing Russian access to certain sensitive technologies and services that can be used for oil production and exploration;



- limiting access to EU primary and secondary capital markets for 5 major Russian majority state-owned financial institutions and their majority-owned subsidiaries established outside of the EU, as well as three major Russian energy and three defence companies.

The duration of the sanctions was linked by the European Council on 19 March 2015, to the complete implementation of the Minsk agreements, which was foreseen to take place by 31 December 2015. Since this did not happen, the sanctions have remained in place.

Source: [European Council](#)

---

## Rail

---

### EC APPROVED PUBLIC SUPPORT FOR MODAL SHIFT IN AUSTRIA

On 16 December, the European Commission approved under EU State aid rules an amendment to an existing Austrian aid scheme increasing public support to encourage the shift of freight traffic from road to rail in Austria's mountainous regions, including the Brenner area. The amended scheme, with an additional budget of €205.2 million for 2020-2022, aims to make the use of “rolling highways” (the transportation of lorries by rail on low-loader wagons in mountainous regions) less costly, and therefore more attractive for shippers, compared to transport by road.

The aid takes the form of a subsidy to railway companies, which will be reflected in the price that the shippers pay. The amendment takes into consideration the higher external costs caused by road transport in mountainous regions and therefore allows for higher aid amounts in such areas.

The Commission based its assessment on its 2019 [Handbook on the external costs of transport](#), which acknowledges that road transport can lead to additional external costs in mountainous areas which other areas do not face, such as higher emission levels or higher concentration of air pollutants, due to altitude and meteorological conditions. The Commission found that the scheme is necessary and proportionate to achieve a modal shift from road to rail, and is beneficial for the environment, in line with the EU's transport and State aid policy objectives.

On this basis, the Commission concluded that the measure is compatible with EU State aid rules, in particular the [Commission Guidelines on State aid for railway companies](#). More information will be available on the Commission's [competition](#) website in the public [case register](#) under the case number SA.55507 once any confidentiality issues have been resolved.

Source: [European Commission](#)

### INCREASED RATE FOR TRAIN PATH PRICE SUBSIDIES IN GERMANY

On 18 December, the German Federal Railway Authority approved a higher subsidy rate for train path price subsidies as of the 2019/2020 timetable year from 45.3% to 47%. The adjustment is intended to ensure that the annual subsidies of €350 million made available by the German federal government are fully used. For a standard freight train, the train path charge to be paid by the railway undertakings is reduced to €1.58 per train kilometre due to the federal subsidy of €1.40 per train kilometre.



The German Train Path Fee Subsidy for Freight Traffic (Trassenentgeltförderung im Güterverkehr - TraFöG) is a subsidy measure initiated by the Federal Ministry of Transport to promote rail freight traffic by means of partial financing of the train path fees. In accordance with DB Netz's budget resolution of 6 July 2018, the German Bundestag provided funding of €175 million for the 2018 financial year and the financial plan for the following years provides for €350 million per year in each case. Funding in the amount of €350 million euros is also planned for the 2020 financial year.

Source: [Verkehrsrundschau](#)

## PRIME PAPER ON CREATING A LOW-CARBON TRANSPORT SYSTEM

On 13 December, the [Platform of Rail Infrastructure Managers in Europe \(PRIME\)](#) published a [discussion paper](#) which explores initiatives and projects designed to mitigate climate change and support the transition to a climate-neutral economy by its members. Against a background of increased demand for sustainable transport, the paper should support discussions on how infrastructure managers can help decarbonise transport, tackle capacity challenges, and adapt to the circular economy.

Rail infrastructure managers have a crucial role to play in improving and increasing railway services. A strong focus should be placed on existing rail lines, e.g. on capacity gains from digitalisation and operational improvements, such as better cross-border coordination of timetabling, traffic management and works.

To the same aim, the ongoing evaluation of Regulation (EU) No 913/2010 on rail freight corridors offers an opportunity to identify possible improvements that would allow infrastructure managers, and the rail sector more broadly, to better serve freight clients through more efficient processes and coordination. The paper therefore presents a number of existing initiatives, for example addressing green procurement and a circular economy approach to infrastructure components and materials. They demonstrate that maximising sustainability is already a concern for infrastructure managers, and that their actions could feed a broader European reflection.

[PRIME](#) was established between DG MOVE and rail infrastructure managers at the end of 2013 with the objective of improving cooperation between rail infrastructure managers across borders, supporting the implementation of European rail policy and developing performance benchmarking for the exchange of best practices. The establishment of a network of rail infrastructure managers was one of the actions proposed by the 4th Railway Package.

Source: [European Commission – DG MOVE](#)

---

## *Forthcoming Events*

---

### CLECAT MEETINGS

CLECAT Customs and Indirect Taxation Institute  
17-18 February 2020, Brussels



CLECAT Air / Security Institutes

3 March 2020, Brussels

CLECAT Maritime Logistics Institute

21 April 2020, Brussels

## EP/COUNCIL MEETINGS

European Parliament TRAN Committee

20-21 January 2020, Brussels

European Parliament Plenary

13-16 January 2020, Strasbourg

EU Transport Council

4 June 2020, Brussels

### Contact

***Nicolette van der Jagt***

*Director General CLECAT*

Rue du Commerce 77, B-1040 Brussels, Belgium

Tel +32 2 503 4705 / Fax +32 2 503 47 52

E-mail [nicolettevdjagt@clecat.org](mailto:nicolettevdjagt@clecat.org) / [info@clecat.org](mailto:info@clecat.org)

 @CLECAT\_EU

[www.CLECAT.org](http://www.CLECAT.org)



European association for forwarding,  
transport, logistics and customs services

