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Brussels News

FFF2020: REGISTRATION IS OPEN!

We have launched the programme of the CLECAT Freight Forwarders Forum, a full day online event on the **12th of November**. Entitled 'Logistics put to test at times of crisis', the event features four sessions following a 'set the scene' panel on 'what we have learned so far from the crisis':

- Liner shipping put to test: serving global trade at times of crisis
- Future EU-UK relationship: implications for logistics and customs
- Mobilising European freight forwarders to take action to reduce emissions
- Air cargo logistics supply chains put to test at times of COVID-19



The event will focus on the current challenges to logistics operations and the response from authorities and the European Commission to the COVID-19 crisis, in an effort to combine the EU Green Deal objectives and the recovery towards green and digital solutions, to ensure that the transport sector comes out of the crisis reinforced.

More information on each session and a detailed programme is available on the [CLECAT website](#). Registration is possible [here](#).

EU TRANSPORT MINISTERS DISCUSS FREIGHT CONTINGENCY PLAN

On 8 October, the German Presidency of the Council organised an [informal exchange by video conference](#) to facilitate additional discussions between EU transport ministers, following the early closure of the Transport Council meeting on 28 September due to technical reasons.



During the video conference, the EU transport ministers held a policy debate to discuss, *inter alia*, a pandemic contingency plan for the European freight transport sector, which was proposed by Germany. The aim of the discussion was to provide impetus for further steps to improve the sector's preparedness for future pandemics. Ahead of the meeting, Mr Andreas Scheuer, Germany's Minister of Transport and

Digital Infrastructure, emphasised the importance of goods transport and therefore the need for a contingency plan for freight. He emphasised the importance of data exchange and argued that a steady and reliable information flow for the transport and logistics sector (including the staff), as well as the Member States' authorities would have to be established to ensure that everyone would be well informed. "We want to reduce surprises with coordinated information management. There is already a better exchange of data between the countries, for example on truck traffic. However, due to the resurgence of corona infections, time is pressing for a joint approach that encompasses all modes of transport - not only road transport, but also ships and rail freight", he noted. The EU Commissioner for Transport, Ms Adina Valean, welcomed the initiative and stressed: "The crisis continues to impair mobility. The transport sector is therefore vulnerable. The new emergency plan must be ready for use as soon as possible - at the latest at the next major crisis".

In the [press conference](#) following the meeting, Mr Scheuer [noted](#) "Today we agreed on key points for a pandemic emergency plan for the EU freight traffic. An important step! The Corona Pandemic has shown that transport and logistics are relevant to the system. We have to think more European here as well. We are working on a carefully thought-out concept to ensure reliable and robust supply chains for all EU citizens in Europe. We need uniform, clear standards & emergency mechanisms for the cross-border transport of goods - at all levels. And we need an efficient, robust and modern transport economy & infrastructure."

In that regard, he emphasised three main points: "1) We can only maintain & secure the supply chains & thus the supply if we define a basic supply network. We need to bundle information & rely more on digitisation. So that we can act quickly, effectively & coordinated. 2) We must protect the transport infrastructures, the related services and above all the employees. This is only possible with uniform regulations on health tests & a uniform quarantine regime for commuters. 3) We must support the transport infrastructures and services. That means we need a set of rules at EU-level to be able to make exceptions. For this we also need compensatory measures to protect the health and safety of all".

Source: [Bundeministerium für Verkehr und Digitale Infrastruktur \(BMVI\)](#)



DIGITAL TRANSPORT DAYS 2020

On 18 November, the European Commission, in cooperation with the German Presidency of the Council, is organising the 3rd Digital Transport Days, which will take place virtually.

The virtual conference will address new mobility challenges and the European vision of digitalisation for transport and mobility. It will in particular discuss to what extent the COVID-19 pandemic has affected transport and mobility, and how digitalisation can contribute to recovery and a return to a 'new normal' life. There will also be an exchange of views on the contribution of digitalisation to the EU Green deal, to TEN-T networks and to the further development of the European mobility data space.



Thematic sessions will focus on the following topics:

- Developing a common European mobility data space and its interaction with other data spaces; what are the challenges and opportunities?
- Making Europe's transport infrastructure fit for the future: digitalisation in the framework of the Trans-European Transport Network (TEN-T) revision.
- Smart mobility and the European Green Deal: how can it support seamless and multimodal mobility for passengers, smart traffic management and transport automation?

The event follows the Conference on Open Data for smart mobility, organised by the German Federal Ministry of Transport and Digital Infrastructure on 17 November.

More information, including the full programme and speaker and registration details, is available on the [conference webpage](#).

Brexit

STATE OF PLAY OF THE EU-UK NEGOTIATIONS

The ninth round of negotiations on a future partnership between the European Union and the United Kingdom took place from 29 September to 2 October in Brussels. The [agenda](#) for the meeting covered all eleven topics, including trade in goods and services, and transport.

The EU's Chief Negotiator Michel Barnier reported that across the eleven negotiating tables there were points of convergence, most of which had already been recorded in previous rounds, in particular on some aspects of trade in goods, services and investment, civil nuclear cooperation, and participation in Union programmes. There were also positive new developments on some topics such as aviation safety, social security coordination, and the respect of fundamental rights and individual freedoms, which are a pre-condition for our future police and judicial cooperation in criminal matters. There was however a lack of progress on some important topics like the protection of personal data, climate change commitments or carbon pricing, as well as persistent serious divergences on matters of major importance for the European Union.



The Commission recalled that any agreement on an economic partnership with the UK requires solid, long-term guarantees of open and fair competition, an efficient governance framework and a stable, sustainable and long-term agreement on fisheries. For the EU and the UK to reach an agreement, these divergences must necessarily be overcome over the next weeks.

More information on the state of play of the negotiations on the EU-UK future partnership, as well as related news, publications and documents, can be found on the European Commission's dedicated [webpage](#).

Source: [European Commission](#)

UK PREPAREDNESS

On 8 October, the UK Government published an [updated GB-EU Border Operating Model](#). The updated version maps out the intended locations of inland border infrastructure. The sites will provide the necessary additional capacity to carry out checks on freight. Additionally, it confirms that a Kent Access Permit will be mandatory for HGVs using the short strait channel crossings in Kent. The revised Border Operating Model also confirms that EU, EEA and Swiss national ID cards will not be acceptable for travel to the UK, including for drivers, from October 2021.

In a further move to support the customs intermediary sector, the UK Government also [announced](#) an increase to the amount of support that businesses can access from the Customs Grant Scheme. This will be delivered through exercising an exemption within EU State aid rules. To date, the Government has provided more than £80m in funding to support the customs intermediary sector with training, new IT and recruitment.

The UK Government stepped up its preparations for the end of the transition period with the [launch of a £200 million fund for ports to build new facilities](#). New infrastructure at ports will be needed whether or not the UK secures a negotiated agreement with the EU, as the UK are leaving the EU Customs Union and Single Market and new procedures will be coming into place.

Additionally, the UK Government published or further updated several information notices and guidance materials, including, among others, [Help and support if your business trades with the EU](#); [Importing animals, animal products and high-risk food and feed not of animal origin from 1 January 2021](#); [Return your rejected exports from the EU from 1 January 2021](#); [Importing and exporting plants and plant products from 1 January 2021](#); [Exporting excise goods to the EU from 1 January 2021](#); [Importing excise goods to the UK from the EU from 1 January 2021](#); and [Import fish from the EU from 1 January 2021](#).

Maritime

US FMC PROBE INTO CARRIER BILLING PRACTICES

On 7 October, the US Federal Maritime Commission (FMC) launched a probe into claims that shipping lines serving the US “may be attempting to hold companies financially responsible for transport services they did not contract for and may not legally be required to pay”.



The FMC issued a [notice of inquiry](#) after receiving complaints from industry associations representing freight forwarders and 3PLs, hauliers and customs brokers that their members had been approached by the shipping lines looking to enforce various terms of the Bill of Lading of a shipment, such as collection of freight rates, equipment charges and detention and demurrage charges, despite the fact that they are not party to and have not agreed to be bound by the Bill of Lading.



The FMC specified that “comments filed in Docket No. 19-05, [Interpretative Rule on Detention and Demurrage Under the Shipping Act](#), raised concerns about the billing practices of ocean carriers. Allegations were made that VOCCs [vessel-owning common carriers] have expansively defined “merchant” in their respective Bills of Lading to include entities with no beneficial interest in the cargo and who had not consented to be bound by the terms of the Bill of Lading.” The notice of inquiry also notes that “allegations have been received that VOCCs threaten to discontinue allowing such third parties to provide service for future shipments unless amounts due on current shipments are paid.”

Notably, the FMC seeks information related to how VOCCs apply the term “merchant” in their Bills of Lading. For example, does the VOCC apply the term “merchant” in a manner that subjects third parties that are not in a direct mutually agreed business relationship with the VOCC to liability? The FMC also asks whether ocean carriers have sought to enforce the definition of “merchant” against third parties that have not consented to be bound by, or otherwise accepted, the terms of the Bill of Lading.

The deadline for receiving public comments is 6 November. “We encourage ocean container stakeholders to share their experiences with the Bills of Lading that contain these described “merchant” clauses,” said the US FMC Chairman Michael Khouri.

Source: [US FMC](#)

Rail

EP QUESTION ON INTEROPERABILITY AND NOISE OF RAILWAYS

On 2 October, Commissioner for Transport Adina Valean [responded](#) to a [parliamentary question](#) relating to noise reduction, interoperability and traffic safety on European railways, which addressed the issue of German and Swiss legislation relating to ‘composite brakes’ and the inherent problems for their operation in Scandinavia. The parliamentary question highlighted the importance of a modal shift from road to rail as a means to achieve the objective of the European Green Deal. In that regard, it was stressed that railways must be competitive and interoperable and that simultaneously all environmental pollution related to rail, including noise pollution, would have to be reduced.

The question referred to Regulation (EU) No 1304/2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock – noise’ (NOI TSI), which sets out the rules for railway-related noise. He argued that Germany and Switzerland have adopted legislation which breaches NOI TSI by hindering the use of allowed freight wagons and exclusively allowing wagons with composite brake blocks. In that regard, he highlighted that composite brakes do not brake adequately in Nordic winter conditions and therefore compromise traffic safety (CLECAT reported on this earlier in NL 2020/21 from 5 June 2020). Furthermore, he argued that the German and Swiss legislation further breaches the Railway Interoperability Directive. The Swiss legislation has already entered into



force and the German legislation will enter into force in December 2020. Next to the non-compliance with EU regulations, he argued that it risks leading to a reverse shift from rail to road. Therefore, he questioned what actions the Commission was taking to reduce railway-related noise and at the same time ensure the interoperability and traffic safety of European railways, as well as what actions the Commission was taking regarding the hindering of the use of wagons that fulfil EU requirements.

In her [response](#), Commissioner Valean noted that while rail freight is energy efficient and safe, noise is its most important negative externality. To mitigate this, the Commission has dedicated legislation in place. The TSI noise will require all wagons used on “quieter routes” to have composite brake blocks by December 2024 and thus allows sufficient time for retrofitting. The Commission also provides financial support via the Connecting Europe Facility to railway undertakings for retrofitting freight wagons with “silent” brake blocks. In the future, Recovery and Resilience Fund could also be used to support rail noise mitigating measures.



Regarding the issue with the composite brake blocks, she noted that the European Union Agency for Railways (ERA) is supporting the Commission in investigating the reported reduced performance of composite brake blocks under Nordic winter conditions. The Commission is to report on this shortly. Moreover, the Commission is conducting a study, which, *inter alia*, assesses how to reduce railway noise further, also beyond retrofitting brake blocks. It is important to reconcile the objective of reducing rail noise with the interoperability of trains across Europe. In May 2020, the Commission started an infringement procedure against Germany regarding its national legislation applicable from December 2020. The Swiss ban on “noisy” freight wagons and the phasing in of its full application are discussed in the Joint Committee Meeting between Switzerland and the Commission.

Source: [European Commission](#), [European Parliament](#)

EP APPROVES RULES TO ENSURE EUROTUNNEL SAFETY AND COOPERATION

On 8 October, the European Parliament endorsed two proposals concerning the Channel Tunnel with the goal to maintain the same set of rules governing the whole railway tunnel once the UK has the status of a third country. The legislation aims to ensure the tunnel railway connecting continental Europe and the UK continues to operate safely and efficiently.

The legislation will empower France to negotiate a new international agreement with the UK and maintain the Intergovernmental Commission as the main safety authority for the Eurotunnel. Additionally, the regulations on the safety and interoperability arrangements shall allow, as amended by the Parliament, negotiations between France and the UK to begin without delay. The decision empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the UK concerning the operation of the Channel Fixed Link was endorsed with 687 votes in favour, three against and four abstentions. The Regulation on application of railway safety and interoperability rules within the Channel Fixed Link was adopted with 687 votes in favour, four against and four abstentions. The Parliament voted on the proposals under [urgent procedure](#).

The amendments adopted by the Parliament correspond to the [Council’s position](#). The Council will now have to formally adopt its first reading position. The Regulation will enter into force the day after its publication in the Official Journal of the EU.



If nothing is agreed, as of 1 January 2021, national safety authorities in the UK and France would have authority over their own half of the tunnel. EU regulations would no longer apply to the part of the tunnel that is under the UK's jurisdiction.

Source: [European Parliament](#)

Air

TRANSPORT COUNCIL DISCUSSES SINGLE EUROPEAN SKY

On 8 October, the German Presidency of the Council organised an informal exchange by video conference to facilitate additional discussions between EU transport ministers, following the early closure of the Transport Council meeting on 28 September due to technical reasons. Amongst other topics, the Ministers discussed the updated proposal for the Single European Sky.

The European Commission briefed the ministers on its amended [proposal for the recast of the Single European Sky regulation \(SES 2+\)](#) and a [proposal for a regulation amending the European Union Aviation Safety Agency \(EASA\) Basic regulation](#), which were both presented on 22 September. The aim of amending the EASA Regulation is to entrust the EASA with the role of a Performance Review Body of the Single European Sky.



The Commission launched the [Single European Sky \(SES\)](#) initiative in 1999 to improve the performance of air traffic management and air navigation services through better integration of European airspace. The second SES package entered into force in 2009 and was mainly aimed at the implementation of a performance-oriented model of economic regulation. The Commission proposed an interim update of the SES rules, called Single European Sky 2+, in 2013. The Council agreed on a general approach in December

2014, but the file was blocked because of the disputed question of its application to Gibraltar airport. Since 2014, the aviation context has evolved and there is a general understanding that the Council position from 2014 is no longer a good starting point for discussions with the European Parliament.

In December 2019 the Transport Council held a policy debate on the future of the Single European Sky to guide the Commission's work in this area. The presidency concluded the debate by inviting the Commission to reconsider its SES2+ legislative proposal and to provide detailed information to justify new measures and to analyse their potential benefits and consequences.

Mr Andreas Scheuer, Germany's Minister of Transport and Digital Infrastructure, welcomed the presentation of the updated Single European Sky framework and noted that it would be important that it is designed in a way that national responsibilities are not cut, but that the Member States can cooperate and coordinate measures.

Source: [Council of the European Union](#)



EASA ENTERS STRATEGIC COOPERATION WITH GERMANY'S BSI ON CYBERSECURITY

On 24 September, the European Union Aviation Safety Agency (EASA) and Germany's Federal Office for Information Security (BSI) agreed to work together to enhance cyber security in international aviation, tackling the threats to flight safety posed by the increased digitalisation of aircraft and interconnectivity of aviation systems.

In the agreement, the BSI and EASA agree to exchange relevant information on information security incidents and threats and to cooperate on managing cyberattacks and information security incidents within their respective areas of responsibility. The cooperation also aims to identify possible conflicts between European and national regulations and to set up consistent solutions, so that organisations in all areas of aviation can effectively and sustainably increase their cyber security.

EASA Executive Director Patrick Ky and President of the BSI Arne Schönbohm signed a Memorandum of Cooperation to this effect at the BSI offices in Bonn. "Flying is generally considered the safest form of transport. Considering the increasing digitalisation and connectivity in aviation, cyber security is a key factor to ensure that this remains the case. We can only have a successful digital takeoff in aviation if information security is on board from the very beginning," Schönbohm said.

"The roles and responsibilities of EASA and BSI are complementary," he added. "This is why we are expanding our strategic cooperation. Together, we will be able to spread a shield of cyber security for aircraft, manufacturers and airlines as well as for airports and air traffic control." Mr Ky added that "Cyber security is an essential component to ensure flight safety. We are confident that this cooperation will help to increase our joint awareness of cybersecurity threats and the best practices for managing them."

Source: [EASA](#)

Sustainable Logistics

EP WANTS EU 2030 EMISSIONS REDUCTION TARGET OF 60%



In its Plenary session on 7 October, the European Parliament (EP) adopted its negotiating [mandate](#) on the EU Climate Law with 392 votes for, 161 against and 142 abstentions. The new law aims to transform the political ambitions of the EU Green Deal for Europe to become climate-neutral by 2050 into a binding obligation and to give European businesses the legal certainty and predictability they need to plan their investments.

In its mandate, the EP insists that both the EU and all the Member States individually must become climate-neutral by 2050 and that thereafter the EU shall seek for "negative emissions", with sufficient financing to achieve this. The Commission must therefore propose, by 31 May 2023, a trajectory at EU level on how to reach carbon neutrality by 2050. It must take into account the total remaining EU greenhouse gas (GHG) emissions until 2050 to limit the increase in temperature in accordance with



the Paris Agreement. Members of the EP (MEPs) also want to set up an EU Climate Change Council as an independent scientific body to assess whether policy is consistent and to monitor progress.

With respect to EU 2030 emissions reduction target, MEPs call for a reduction of 60% in the overall EU emissions. This is even more ambitious than the recently amended European Commission's [proposal](#) to increase this target to "at least 55%", up from the current target of 40% compared to 1990. They also want an interim target for 2040 to be proposed by the Commission following an impact assessment to ensure that the EU is on track to reach its 2050 objectives.

Notably, the EP mandate states that the EU and the Member States must phase out all direct and indirect fossil fuel subsidies by 31 December 2025 at the latest.

In terms of the next steps, the EP is now ready to start negotiations with the Member States once the Council has agreed upon its common position.

DEBATE ON SCALING UP ZERO-EMISSION HEAVY-DUTY TRANSPORT

On 1 October, CLECAT joined two back-to-back online conferences dedicated to the decarbonisation of heavy-duty transport, with a particular focus on the role of hydrogen.

The first debate, organised by the European Automobile Manufacturers' Association (ACEA) and Hydrogen Europe (HE), focused specifically on road freight transport and explored how to accelerate the market deployment of hydrogen fuel cell powered commercial vehicles. The debate covered issues such as fuel cell truck development strategies, hydrogen corridors and infrastructure suitable for commercial vehicles, as well as the importance of hydrogen trucks for decarbonising urban logistics. The interconnected roles of hydrogen and infrastructure suppliers, OEMs, transport operators and users were also discussed. Speakers agreed that all the industry stakeholders must join forces to make the transition happen and highlighted that many equally important factors would have to be put in place for a successful transition: efficient and commercially viable zero-emission vehicles, a sufficiently dense network of hydrogen re-fuelling stations and a supportive policy framework and financial support at EU level to enable sustainable operations.

The second event, organised by Politico, discussed the best pathways to decarbonise all modes of heavy-duty transport and what role hydrogen can play in those efforts. Ms Adina-Ioana Vălean, European Commissioner for Transport, remarked that "hydrogen will be an intrinsic part of the upcoming Sustainable and Smart Mobility Strategy of the EU, as it can serve all modes of transport." She further noted that "the end goal is climate neutrality and we will have to be technologically neutral to get there and use all available fuels. Hydrogen is however an essential part of the story, because there is a lot of hope that it can help us meet the need for a sustainable alternative fuel for the future."

Forthcoming Events

EVENTS AND MEETINGS

CLECAT Rail Logistics Institute
20 October 2020, **Online Meeting**



CLECAT Board

21 October 2020, **Online Meeting**

CLECAT Brexit Post-2020 Preparedness Meeting

29 October 2020, **Online Meeting**

CLECAT Road Logistics Institute

5 November 2020, **Online Meeting**

CLECAT Maritime Logistics Institute

10 November 2020, **Online Meeting**

CLECAT Freight Forwarders Forum

12 November 2020, **Online Event**

CLECAT Board/General Assembly

13 November 2020, **Online Meeting**

EVENTS WITH CLECAT PARTICIPATION

Global Liner Shipping Conference

4-5 November 2020, **Online Event**

European Environmental Ports Conference

4-5 November 2020, **Rotterdam**

Digital Transport Days

18 November 2020, **Online Event**

Competition Law in Transport

1 December 2020, **Brussels**

EU MEETINGS

Council of the European Union

Transport Council

8 December 2020, Brussels

Environment Council

23 October 2020, Luxembourg

European Parliament

European Parliament Transport Committee

12 October 2020, Brussels

European Parliament Plenary

19-23 October 2020, Strasbourg



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