

# NEWSLETTER

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# Brussels news

### TRANSPORT COUNCIL CONCLUSIONS ON DIGITALISATION

CLECAT has welcomed the Transport Council's conclusions on the digitalisation of transport adopted on the 28<sup>th</sup> November. The conclusions rightly underline the importance of this issue for the European economy and competitiveness, and confirm the EU's ambition to become a global leader in this area. They propose the elimination of the obstacles to acquiring a seamless and more effective multimodal transport system in Europe. The Commission is invited to develop a comprehensive digitalisation strategy for the transport sector in the first quarter of 2019. The Council also asked the Commission to apply the 'digital by default' and 'once only' principles when developing new enabling or evaluating existing legislation in order to keep them fit for the digital age and in order to reduce the administrative burden. Furthermore, the Council stressed the importance of the NIS directive and the General Data Protection Regulation. The Council called on the transport sector to contribute to the swift and full application through the development and deployment of digital based technologies such as smart tachographs.

CLECAT has supported and contributed to several EU initiatives in the field of digital transport and logistics, and will continue to do so. For CLECAT and its Members achieving a 100% digital transport environment remains a priority. However, digitalisation in itself should not be the goal. In order to get to a next step in transport and logistics, it is not enough simply to replicate existing documents



and procedures in a digital way. It is instead vital to focus on the digital exchange of transport data, creating future-proof procedures and thus achieving the efficiency benefits of digital transport.

Source: Conclusions of the Council

### COUNCIL CONCLUSIONS ON TEN-T IMPLEMENTATION

On Tuesday the Council The Council adopted conclusions on the progress of the Trans-European Transport Network (TEN-T) and the Connecting Europe Facility (CEF) for transport. The conclusions take stock of the implementation of both TEN-T and CEF for transport to date, and examine the future investment needs and priorities for EU transport infrastructure.

In the conclusions, the Council acknowledged the important role played by the European Coordinators and welcomed the adoption of the new European Deployment Plan for ERTMS, as well as recognizing the potential of rail freight corridors to develop cost-efficient measures for optimizing the use of the TEN-T network.

Furthermore, the conclusions insisted on the need of ensuring that no discriminatory or restrictive measure are imposed on EU transport operators providing services in neighbouring countries as part of the connection operations of the TEN-T network with the infrastructure of neighbouring countries. So far only 9% of all investments mobilized through EFSI have benefitted the transport sector, despite the fact that CEF-transport made the largest contribution to the creation of the EFSI guarantee. However that until November 2017, EFSI has supported 53 operations contributing to transport objectives triggering a total of € 22.3 billion in related investment. In order to mobilize innovative financial instruments for transport, the Council called the Commission to further mobilise public and private finance towards the completion of the TEN-T core network by 2030 and the creation of better synergies between transport, energy and telecom projects. Finally, the Council acknowledged that in order to guarantee a long-term impact on the Market, EU infrastructure investment instrument needs to provide stability to all stakeholders.

Source: Conclusions of the Council

### **FUTURE OF FREIGHT URBAN LOGISTICS**

CLECAT was invited to take part in a panel debate on the future of urban logistics during the POLIS conference on 6-7 December. The event was addressing urban and regional transport innovation, in the presence of numerous cities and regions and a wide range of other transport stakeholders.

The debate centered around the questions of innovation as sutainable freight urban logistics tend to require more bundling, more Intermodality and more micro-distribution in urban areas. CLECAT supports this development on the condition that more is done to support easy implementation for the industry and to secure economic viability of innovative solutions. Another issue for debate was the issue of awareness of the externalities from freight transport in cities and behaviour change through this increased awareness on the need to maximise efficiency and minimise the impact of increased demand.

Reference was made to a NOVELOG survey among different stakeholders in 12 cities assessing main influential factors for future urban freight, new and disruptive technologies have not been ranked high (as one would expect) in a prioritizing influential factor list. NOVELOG also studies road maps for future city logistics including urban intermodal hubs, freight buses, and mobile depots



etc. Furthermore cooperative business models are required for the innovative city logistics solutions of the future. However, multi-stakeholders cooperation is difficult. Economic viability requires long term engagements which are possible only when solutions are part of an integrated planning for city logistics.

### **GLEC MEETING IN AMSTERDAM**

On 6 December CLECAT attended the Global Logistics Emissions Council meeting in Amsterdam. Discussions covered work in developing practical yet precise default emission factors which work across transport modes and trade lanes; development of parameters for emissions calculation in inland waterways and in terminals; and work towards a GLEC Assurance Scheme for validating companies' level of commitment and implementation of the GLEC Framework.

The GLEC Framework provides a harmonised methodology for calculation of CO2 emissions along multimodal logistics chains. The LEARN Project, which was also discussed at the meeting and in which CLECAT is a consortium partner, aims to build a network to promote logistics emissions accounting and reporting, investigate barriers and problems in its realisation, and test the applicability of the GLEC Framework to real logistics operations.

### Rail

### 4TH RAIL FREIGHT DAY VIENNA

CLECAT joined the 4<sup>th</sup> Rail Freight Day which took place in Vienna on the 7<sup>th</sup> December. conference, gathering most of the infrastructure managers and railway undertakings in Europe, discussed the state of play and much needed initiatives to be taken in rail freight in Europe.

The conference started with a session on the Rotterdam Ministerial Declaration and the Sector Statement. Currently a Sector Statement Group is seeking to implement the 10 identified priorities of the Sector Statement which was supported by all the



sector association signatories, including CLECAT. CLECAT strongly hopes that the focus remains on delivering results to improve the performance and quality of the RFCs by the end of the year. The EC announced earlier this year that €12 million will be dedicated to RFCs in order to fund projects, aiming at removing bottlenecks and meeting the requirements of the Rotterdam Sector Statement.

The conference also featured a debate on the 'lessons learnt from the Rastatt incident', a session on the interoperability in rail freight, improved train tracking and tracing (Estimated Time of Arrival) and a session on the Freight Corridors and the way forward. The conclusions reached at the end of the conference were the following:

1. The political priority attached to rail freight in the Rotterdam declaration remains more valid than ever given the continued stagnation in the market share of rail freight and the priorities of the Sector Statement are still the right ones.



- 2. Implementation of the 10 sector priorities has to be accelerated.
- 3. The Rastatt incident has damaged the credibility of the industry but it should serve as an impetus to radical customer oriented reform to make rail freight more flexible and resilient, starting with stronger crisis management.
- 4. Continued EU financial support beyond 2020 can only be justified for a rail freight network which is embracing intermodality, interoperability, digitalisation and innovation; improving quality; and striving for growth.
- 5. Solving cross border issues for international traffic is essential especially for ERTMS and deployment of ERTMS should be closely monitored.
- 6. Strong high level commitment to the RFCs is needed by Ministries and infrastructure managers who should ensure they have sufficient resources enabling them to maintain an ambitious approach.
- 7. There should be a renewed focus on all operational questions, developed by ERA in close partnership with RFCs.
- 8. The focus overall needs to remain on measurable delivery of results through KPIs, such as on punctuality, and in particular
  - 1. an analysis of the capacity pilot projects;
  - 2. preliminary results of the ELETA project, to be both delivered to RFD 2018 with ambitious and clear milestones.

### **OUTCOME OF THE 2017 CEF BLENDING CALL**

As part of the last meeting held by the TRAN Committee of the European Parliament earlier this week, the Commission was invited to present the results of the 2017 CEF Blending Call. The objective of the proposed projects is to upgrade the rail network and develop alternative fuels infrastructure and clear waterway transport in the TEN-T. The 39 selected projects of the call's first round enjoyed an investment volume of € 4.5 billion, with a co funding of about € 1.0 billion.

The Commission was questioned by members of the TRAN Committee in the mix of EU grants with financing from other public and private investors achieved so far in the blending call. Moreover, questions were posed about the progress in transport network nodes and in the deployment of the ERMTS, as well as the prospects for promoting electromobility and hydrogen fuelling infrastructure. The Commission indicated that for the second round of the call, open until 12 April 2018, projects on urban nodes which relate to alternative fuels deployment can also apply under the innovation priority.

Source: TRAN Committee Newsletter

### TRAN COMMITTEE VOTE ABOUT THE MFF AFTER 2020

In November the Transport Committee (TRAN) of the European Parliament voted on its opinion on the Multi-Annual Financial Framework after 2020 (Marinescu report). The Transport MEPs voted in favour of an increased financing that would cover all transport modes. The TRAN Committee has underlined the importance of long term financing in the transport sector as an enabler for long-term growth and jobs creation. In its opinion the TRAN Committee underlined the drastic importance of the MFF for the transport sector and the long-term investment needed in its infrastructure.

The TRAN Committee also called for a series of measures to be taken in the next MFF post 2020: Increasing EU funding for the completion of the TEN-T core network, and the deployment of alternative energy solutions. The Opinion moreover invites the Commission to release an updated Connecting Europe Facility (CEF). This new CEF should cover all transports modes and needs and



include aspects related to road infrastructure, clean transport and digital solutions. Moreover, the Opinion highlighted the importance that grants should remain the main instrument of the next CEF and called for an optimization of synergies between grants and financial instruments to improve the overall efficiency of the system. This should be achieved through better coordination of the different EU funds for the support for transport infrastructure. Finally, the Opinion called the next CEF to focus on interconnections and network completion in peripheral areas.

CLECAT welcomed the outcome of the vote which shows that there is value of transport in the EU is recognised "We are grateful to the members of the TRAN Committee who have heard the voice of the 30 organizations asking Europe to invest more in transport, said Nicolette van der Jagt, Director General of CLECAT. CLECAT was part of the coalition covering all modes and nodes, service providers, users and cargo owners which, on September 21st, 2017, launched a campaign calling for a strong connecting Europe Facility for the next financial period 2021-2028". The campaign leaflet of the coalition is available **here**.

### INFRASTRUCTURE FUNDING IN THE SHARING ECONOMY

A study commissioned by the European Parliament/TRAN Committee on Infrastructure funding challenges in the sharing economy was presented by the author, Prof Matthias Finger from the European University Institute. The study focuses on the challenges for the funding of public transport infrastructure that result from the increasing use and spread of smart applications and online booking platforms for travel. The study focuses on the challenges for the funding of public transport infrastructure that result from the increasing use and spread of smart applications and online booking platforms for travel.

Following the presentation, members of the TRAN Committee discussed the different types of business models that are considered under the term sharing economy, and highlighted the role played by the data layer managed by the online platforms. Moreover, there were discussions on issues relating, cybersecurity, data protection and taxation of the mobility services. Speakers stressed the need to ensure fair competition, connectivity to remote areas and quality service to users. Finally, there was a call for more EU-wide statistical data in order to assess the development of shared mobility.

# Customs

### **VAT ON E-COMMERCE: NEW RULES ADOPTED**

On 5 December 2017, the Council adopted new rules making it easier for online businesses to comply with VAT obligations. Part of the EU's 'digital single market' strategy, the proposals are aimed at facilitating the collection of VAT when consumers buy goods and services online.

The new rules extend an existing EU-wide portal (mini 'one-stop shop') for the VAT registration of distance sales and they establish a new portal for distance sales from third countries with a value below €150. This should reduce the costs of complying with VAT requirements for business-toconsumer transactions. Further, VAT will be paid in the member state of the consumer, ensuring a fairer distribution of tax revenues amongst member states. Additionally, the texts make online platforms liable for collecting VAT on the distance sales that they facilitate. This was not foreseen in the Commission's proposals, but has become an essential provision of the package. Most goods that



are imported for distance sales currently enter the EU VAT-free, resulting in unfair competition for EU businesses. VAT fraud for distance sales in the EU is estimated at €5 billion per year, and some measures will help reduce this.

For start-ups and SMEs, the new rules introduce an important simplification. Below €10 000 in yearly cross-border online sales, a business will be able to continue applying VAT rules used in its home country. Furthermore, the new rules remove an exemption for consignments from outside the EU worth less than €22. Around 150 million small consignments are imported free of VAT, and the current system is open to abuse. Whilst EU businesses have to apply VAT regardless of the value of the goods sold, imported goods benefit from the exemption and are often undervalued in order to do so.

The package – a directive and two regulations – was adopted without discussion at a meeting of the Economic and Financial Affairs Council. The European Parliament gave its opinion on 30 November 2017. The new rules set out the following timeline:

- introduction by 2019 of simplification measures for intra-EU sales of electronic services;
- extension by 2021 of the one-stop shop to distance sales of goods, both intra-EU and from third countries, as well as the elimination of the VAT exemption for small consignments.

The provisions that will apply from 2021 will be addressed in greater detail in a further Commission proposal under a non-legislative procedure. The Council approved a statement highlighting issues to be considered by the Commission in the implementing phase. The provisions that will apply from 2019 are already covered by the package. The member states will have until 31 December 2018 and 31 December 2020 to transpose the corresponding provisions of the directive into national laws and regulations. The regulation on administrative cooperation will apply from 1 January 2021.

The EC Press Release and the legal texts can be found <a href="here">here</a>

### ECA REPORT ON IMPLEMENTATION IMPORT PROCEDURES

According to a new report from the European Court of Auditors (ECA), important weaknesses and loopholes indicate that EU customs controls are not being applied effectively. This has an adverse effect on EU finances, say the auditors.

The auditors examined whether the European Commission and the Member States had designed robust controls on imports. They visited the customs authorities of five Member States: Spain, Italy, Poland, Romania and the United Kingdom. They found serious weaknesses indicating that there are shortcomings in the legal framework, as well as ineffective implementation of customs controls on imports.

According to the Court of Auditors, there is insufficient financial incentive for Member States to apply customs controls. Those which do apply customs controls, but are not successful in recovering losses to the EU revenue, risk financial consequences, whereas those which do not apply such controls may face no risk. In addition, a number of loopholes exist in the Member States with regard to the control of imports.

Member States have made progress towards the uniform application of customs legislation, say the auditors. But they have differing approaches in terms of customs controls to tackle undervaluation, misstatement of origin and misclassification and to impose customs penalties. Burdensome customs controls can have an impact on the traders' choice of customs office for importing, and ports and airports with fewer customs controls attract more traffic.



Special Report No 19/2017 and the recommendations are available on the ECA website in 23 EU languages.

### COUNCIL ADOPTS NEW ANTI-DUMPING RULES

On 4 December, the Council approved new rules to help protect the EU against unfair trade practices. They will enter into force by 20 December. This new anti-dumping methodology will identify and redress cases where prices of imported products are artificially lowered due to state intervention. The new legal framework removes the former distinction between market and non-market economies for calculating dumping while maintaining the same level of protection for producers. The Commission will now need to prove the existence of a "significant market distortion" between a product's sale price and its production cost. On that basis, it will be allowed to set a price for the product by referring for example to the price of the good in a country with a similar level of economic development or to relevant undistorted international costs and prices. The Commission will also draft specific reports on countries or sectors describing distortions. In line with current practice, it will be for EU firms to file complaints, but they will be able to use the Commission's reports to support their case.

The text adopted on 15 November by the European Parliament and on 4 December by the Council will be signed in Strasbourg on 13 December. The publication in the Official Journal of the regulation is expected on 19 December. It will enter into force one day later.

The text of the regulation can be view <a href="here">here</a>

### 2017 UPDATE OF THE EU CONTROL LIST OF DUAL-USE ITEMS

On 26 September 2017, the Commission adopted the annual Delegated Regulation that updates the EU dual-use export control 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 2016. The new list was published on 6 December.

The Commission Delegated Regulation will enter into force upon its publication approximately 2 months after its adoption, provided that the Council and the European Parliament raise no objections within this period. The publication date is foreseen for 15 December 2017. This Commission Delegated Regulation enters into force on 16 December 2017.

The Comprehensive Change Note Summary 2017 and other related information can be found here As mentioned in a previous Newsletter, the EU Commission will also organise an Export Control Forum on 19 December in Brussel. Registration is formally closed, but interested parties can still try to register through this link: 2017 Export Control Forum

# Maritime

### **EC CLEARS OOIL TAKE OVER BY COSCO**

The European Commission has approved, under the EU Merger Regulation, the acquisition of sole control over Orient Overseas (International) Limited ("OOIL") of Bermuda by COSCO SHIPPING



Holdings Co., Ltd. of China. The Commission examined the impact of the proposed transaction on the markets where both OOIL and COSCO are active, mainly the deep-sea container liner shipping services market. If the market shares of the alliances or consortia that OOIL and COSCO belong to are taken into account, the transaction would affect eight trade routes – that is both legs of the Northern Europe to North America, Northern Europe to the Far East, Mediterranean to the Middle East and Mediterranean to the Far East trade routes. In particular, the Commission found that the combined market share of COSCO and OOIL and their consortia partners would be very significanton the Northern Europe-North America trade route.

However, the Commission concluded that the proposed transaction would not give rise to competition concerns given, among other things, (a) the presence of significant competitors post-merger, (b) the fact that the companies do not appear to be close competitors and (c) COSCO's marginal position on the Northern-Europe-North America trade route. On the other trade routes where the companies' activities overlap, the transaction would not give rise to competition concerns because of the small increment brought about by the transaction and the presence of other significant competitors postmerger. The Commission also looked at the effects of the transaction on a number of related markets, in particular the market for container terminal services and freight forwarding, without finding any competition concerns. The transaction was examined under the normal merger review procedure. More information is available on the Commission's competition website, in the public case register under under the case number M.8594.

Source: <u>European Commission</u>

### SINGLE CERTIFICATION SYSTEM FOR INLAND NAVIGATION

On Monday the Transport Council adopted the Directive that will allow workers in the inland navigation sector in the EU to practice across Europe via the establishment of a common system of professional certificates. The adopted legislative act aims to promote inland waterway transport following NAIADES II Programme, and it will cover all crew members, from apprentices to boatmasters working in inland waterways. In order to avoid administrative burdens, the directive has taken into account the geographical characteristics of EU countries by acknowledging that some countries do not have inland navigation or only seasonal activity. Therefore, the application of the rules to each Member State will depend on their characteristics. In any case, the establishment of a single professional certification system is an improvement from previous legislation which was only limited to boatmasters when operating on rivers and canals other than the Rhine.

Next steps include the joint signature by the Council and Parliament in mid-December and its publication in the EU Official Journal.

Source: Council Press Release

# Air

### ICAO BACKS NEW RULES ON LITHIUM BATTERIES

ICAO has backed IATA proposals to segregate shipments containing lithium batteries and those containing class-one dangerous goods in ULDs and cargo compartments. The proposals will come into



voluntary force from the start of 2018, with ICAO implementing mandatory regulations the following year.

Assistant director of cargo safety and standards at IATA Dave Brennan said the move followed Korean officials' investigation into 2011's Asiana 991 crash that fuelled debate over lithium battery carriage. "Following the crash, aviation officials recommended that lithium batteries and flammable liquids not be carried in close proximity," said Mr Brennan. "From this, the debate evolved, eventually leading to the decision to prevent lithium batteries and other dangerous goods being carried in the same ULDs or cargo compartments."

Mr Brennan said work was also underway on the development of new lithium battery classifications and a packaging standard that may see their carriage once more permitted on passenger aircraft. He said it would likely involve a test that would allow shippers to assess their risk in so far as carriage by air was concerned.

"As it stands, I expect it to take somewhere in the region of four years before these new classifications could be implemented," said Mr Brennan. "But I must stress, the hazards of lithium batteries are not on air transport, they are a government problem whether transported by air or sea."

Despite the efforts being undertaken by IATA, there have been claims of "push backs" from manufacturers against increasing safety standards. Mr Brennan said IATA was engaging with the industry at improving this, and was working in particular with ecommerce sites.

"We have continued running global outreach with workshops and safety campaigns – last week we did six workshops across Asia, including in Jakarta, Dhaka, and Colombo," he said. "These are product safety issues and the problems faced by carriers are the same as those leading to people's houses burning down."

Source: The Loadstar

# Sustainable Logistics

### EC URGES AUSTRIA TO TRANSPOSE RULES ON ALTERNATIVE FUELS **INFRASTRUCTURE**

The Commission has called on Austria to fully transpose EU rules on the deployment of alternative fuels infrastructure (Directive 2014/94/EU). The main purpose of the Directive is to establish a common framework for the large-scale roll-out of alternative fuels infrastructure in Europe. This is essential to reduce dependence on transport oil, mitigate its environmental impact and, thereby, deliver on the European Strategy for Low-Emission Mobility adopted by the Commission on 20 June 2016. The Directive sets out minimum requirements for the building-up of alternative fuels infrastructure, including recharging points for electric vehicles and refuelling points for natural gas and hydrogen. It had to be implemented by 18 November 2016 at the latest. However, Austria has only partially notified the Commission of measures transposing the Directive into national law. Austria now has two months to notify the Commission of such measures; otherwise, the Commission may decide to refer the case to the Court of Justice of the EU.

Source: European Commission



### DHL SUPPLY CHAIN ORDERS 10 TESLA ELECTRIC SEMI TRUCKS

Deutsche Post DHL group's Supply chain contract logistic divisions has placed an order for 10 Tesla Electric Class 8 Semi Trucks in order to test them and assess its "long-term cost and talent benefits."

DHL expects to test them as soon as they are available in 2019 at its customer operations in major US metro cities. By placing this order DHL becomes one of the first companies to order the new Tesla Trucks, along with JB Hunt Transport Services and Loblaws and Wallmart.

The objective with this order is double: On the one hand, evaluate the truck's impact on driver's quality of life and job satisfaction. DHL's 2017 talent gap research report highlighted that the increasing shortage in drivers could potentially spiral into a talent crisis. Jim Monkeyer, President of Transportation at DHL Supply Chain North America noted that improving factors like comfort and time on the road, alongside with an overall optimisation of transportation routes is the answer to this problem.

On the other hand, this order of the innovative battery-powered vehicles answers DHL plans to become the first logistics company to reduce all logistics related emissions to net zero by 2050, becoming the leader in green logistics. An example of this can be found on the fact that in Germany DHL owns the largest electric fleet thanks to 5.000 StreetScooter e-vehicles and around 10.500 e-bikes and e-trikes.

Sources: Lloyd's loading list

# Forthcoming events

### **CLECAT MEETINGS**

### **CLECAT Road Institute**

7 February, Brussels

#### **CLECAT Customs Institute**

8 February, Brussels

### Supply Chain Security Institute / Air Logistics Institute

28 February, Brussels

### OTHER EVENTS WITH CLECAT PARTICIPATION

### **EUROPEAN PORTS FORUM**

11 December, Brussels

### CSR EUROPE WORKSHOP ON SUSTAINABLE DEVELOPMENT IN LOGISTICS

12 December, Brussels



### ALICE PLENARY MEETING

13 December, Brussels

### **BIFA ANNUAL AWARDS 2017**

18 January, London

### ELP LUNCH DEBATE ON THE FUTURE OF MULTIMODAL FREIGHT TRANSPORT

30 January, Brussels

### **EP/COUNCIL MEETINGS**

### EUROPEAN PARLIAMENT TRANSPORT AND TOURISM COMMITTEE

11 January 2018 22 -23 January 2018

### TRANSPORT, TELECOMMUNICATIONS AND ENERGY COUNCIL

18 December 2017

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