

NEWSLETTER

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Brussels news

MEPS BACK CHARGING BASED ON CO2 EMISSIONS

On 24 May, the TRAN Committee of the European Parliament voted on the proposal amending the Directive on the charging of heavy goods vehicles for the use of certain infrastructures. The vote of the MEPs to introduce distance-based road tolls for HDVs will mean that road freight will pay for CO2 emissions and goes a way towards differentiating charging by environmental impact. The proposal also seeks to fix the legislative gap between vans and trucks and passenger cars.



From 2020 vans used for freight transport would face tolls under the same system as trucks. MEPs also voted to end the introduction of time-based charges for cars. The draft report of the TRAN Committee calls for distance-based charging to apply to HDVs and LCVs over 2.4t starting 2023, i.e. one year earlier than envisaged by the European Commission. It should apply to passenger cars from 2026, which is two years earlier than proposed by the Commission. So, by 2026 car drivers would no longer be able to pay by duration – per day, week,

month, etc – to drive unlimited distances, and would instead pay per km. This is in line with CLECAT's long-standing position that road charging should reflect emissions performance and not discriminate against goods traffic.



The draft TRAN report also mandates Member States to set different truck charging rates based on CO2 emissions. Furthermore, external costs charges for traffic-based air or noise pollution would need to be applied to HDVs and LCVs on tolled roads starting in 2021. In that regard, charges for zero emission trucks should be set at 50% on what the lowest emitting diesel truck vehicle on the road pays.

The report would also see EU member states determine how much to charge trucks for the vehicle's air pollution and noise, with minimum charges set down in EU law. Currently there are caps on how much countries can charge.

The draft report calls for road charging would have to be applied to all HDVs and LCV's starting 2020. The rules would permit Member States to apply discounts for frequent users of LCVs in areas of dispersed settlement and the outskirts of cities. Furthermore, limitations on the imposition of shortterm charges that can be imposed on drivers from other Member States are included for the transition period until the full application of distance-based charging. Finally, MEPs support ringfencing of the charges, i.e. mandating the investment of the revenues for transport projects.

CLECAT believes that strict ear-marking provisions are essential for the success of the charging framework. We appreciate efforts to use the Eurovignette revision to address issues such as road infrastructure investments, including safe and secure parking areas and alternative-fuel infrastructure.

Furthermore, when imposing such charges, it must be borne in mind that the ultimate goal is to incentivise a shift to low-emission mobility, including investment in low-emission vehicle fleets. CLECAT is also not supporting the fact that the TRAN Committee is setting minimum rather than maximum values for pollution, noise and congestion costs. This is likely to increase the fees for freight transport and impact strongly on the competitiveness of freight and logistics by imposing extensive and potentially unlimited charges. Moreover, CLECAT believes that the increase of road tolls and charges alone will not automatically lead to a modal shift so long as the other modes do not provide economically viable alternatives.

The Transport Committee's proposal will now go to Trilogue negotiations between the Parliament, EU governments and the European Commission. CLECAT trusts that the Council will take the above points into account in finalising its position ahead of the negotiations taking place under the incoming Austrian Presidency.

VOTING ON MOBILITY PACKAGE 1

The Transport Committee of the European Parliament will vote on the market/social issues of the Mobility Package will take place on the 4th June. The following proposals will be voted upon:

- Amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards **positioning by means of tachographs**;
- Enforcement requirements and specific rules for **posting drivers in the road transport sector**;
- Amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector.

On 24 May, the TRAN Committee of the European Parliament voted on the following proposals of Mobility Package 1:



- Charging of heavy goods vehicles for the use of certain infrastructures -2017/0114 (COD) -Rapporteur Christine Revault d' Allones Bonnefoy;
- Charging of heavy goods vehicles for the use of certain infrastructures as regards certain provisions on vehicle taxation – 2017/0115 (CNS) – Rapporteur Deirdre Clune;
- Interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union -2017/0128 (COD) -Rapporteur Massimiliano Salini.

A complete overview of the roll-call vote can be found here.

ITF SUMMIT 2018



CLECAT was present at the 2018 summit of the International Transport Forum in Leipzig, which ran from 23-25 May on the subject of Transport Safety and Security.

CLECAT presented, alongside the ESC, the results of the CORE project, particularly with regard to Trusted Trade

Lanes. This concept uses data pipelines and smart seals to enable earlier, better and faster risk assessment by customs of goods moving on a regular trade lane, as well as constant tracking of containers. This benefits forwarders, shippers and authorities through greater supply-chain visibility and predictability, making the supply chain more resilient and efficient.

At the Global Maritime Logistics Dialogue meeting (picture), which CLECAT attended, delegates from throughout the maritime logistics chain and governments discussed challenges for the sector, particularly regarding digital data transmission. Collaboration to develop a common agenda for where the maritime logistics sector needs to go by means of digitalisation was identified as the major step which stakeholders need to take at this stage.



A session on decarbonisation of maritime transport discussed the challenges in meeting the IMO's new decarbonisation goals, particularly whether they may be met through solely technological means or whether a market-based mechanism is required for shipping emissions.

Sessions on transport safety and security addressed aviation security, particularly the vulnerabilities emanating from increasing reliance on data transfer within the aviation system as well as insider threat, as well as the decarbonisation possibilities offered through measurement of transport performance.

In their declaration adopted at the summit, Transport Ministers pledged to join forces against both unintended and malicious disruptions to transport systems that cause death and injury. They commit to cooperation among public and private entities to combat human trafficking and terrorism involving transport services and infrastructure. In order to reduce crime involving transport networks, Ministers plan with others to foster cross-border cooperation between relevant agencies.



Ministers also emphasise the potential of digitalisation for making transport safer and more secure, but call on stakeholders to test, demonstrate and evaluate the effects of these new technologies. They also agree to promote measures for real-time exchange and use of robust data to enhance safe and secure transport, while ensuring cyber security and data protection.

Rail

HANDBOOK CONTINGENCY MANAGEMENT ADOPTED

During the Rhine-Alpine Corridor CEO's Meeting which was held as a side event of the ITF in Leipzig on 23 May, the "Handbook for Intercontinental Contingency Management" was accepted unanimously by Rail Net Europe (RNE). The Handbook represents the direct result of the lessons learnt from the aftermath of the 2017 Rastatt incident. The measures contained in it will be applied from the start of the 2019 timetable in December.

CLECAT has been participating to the meetings organised by the European Commission/DG MOVE on the contingency planning since the beginning of the year to demonstrate the interest freight forwarders have in proper, well organised contingency management by infrastructure managers in Europe.

The handbook provides standards that enable the continuation of freight at the highest possible level in case of an international disruption. Furthermore, it also aims at assuring transparency of the status of the disruption, as well as its impact on traffic flows for all relevant stakeholders in Europe. The scope extends to those disruptions which have a predicted impact on the affected section of more than three calendar days and a high impact on international traffic. The impact shall be assessed by using business know-how and by considering available re-routing options. More specifically, it considers re-routing option, capacity allocations and processes to find adequate solutions.

CLECAT members who are interested in receiving the Handbook for Intercontinental Contingency Management can inform the CLECAT secretariat.

HUPAC PREPARES FOR SWISS RAIL WITHOUT SUBSIDIES

According to an article in RailFreight, Hupac has been preparing itself for the abolition of the Swiss subsidies for combined transport at the end of 2023. In order to compensate for the abolition without losing competitiveness compared with road, it has aimed at lower production costs and more payload per train, the intermodal transport operator said.

The parameters requiring a train weight of 2000 tonnes with one engine, 740-meter length and a 4meter profile, however, will not be completely available on the freight corridor Rotterdam-Genoa by 2024. Enforcing these parameters on the entire corridor is a central responsibility of transport policy, as well as the introduction of internationally coordinated train path planning and traffic coordination Hupac stated.

Hupac calls for a reduction of the very high track access prices for transit through Switzerland to the level of the corridor countries – a simple, non-discriminatory solution with little administrative effort, which would send an immediate signal in favour of modal shift.



The operator is expecting some challenges ahead due to construction sites for the expansion of the feeder routes to the Gotthard base tunnel. However, these will lessen by the time the 4-meter corridor opens up, Hupac anticipates.

GROWTH IN RAIL FREIGHT - PORT OF BARCELONA

The port of Barcelona has demonstrated the largest growth in Europe in 2017 which can be attributed to the competitive advantage it holds through its railway connection with France, which the other Spanish ports are lacking. The rail freight volumes handled by the Port amounted to 243.800 TEUs in 2017, resulting in an 8% increase in comparison to the previous year. Furthermore, its container traffic amounted to 2.98 million TEUs, which amounts to a 32% increase in relation to the previous year.

The port is connected to France by rail through the European gauge track, which is able to handle 750metre trains. Furthermore, the Port of Barcelona functions as an essential gateway for the automotive industry of the Catalan region. However, while it is growing at a similar rate with other Mediterranean ports, it is estimated that the activity will decline this year.

Source: Railfreight

Road

ROAD FREIGHT PRICES RISING RAPIDLY

According to the latest quarterly Transport Market Monitor published by Capgemini and Transporeon, the operating costs for European road hauliers are likely to increase further in 2018 due to rising fuel prices and the continued truck driver shortage.

The study noted that the transport costs for the first quarter of 2018 demonstrated an increase by more than 7% compared to the same period in 2017. Furthermore, the price index for the first quarter of 2018 has increased by 7.1% in comparison to Q1 2017. In that regard, Capgemini's supply chain manager Lars Vitters noted that there is a direct correlation with the rising fuel and the driver shortage across Europe. Moreover, the expected salary increases for drivers which are currently negotiated in Europe might lead to additional increases in transportation costs throughout Europe.

Source: Lloyd's Loading List

Maritime

IMO TAKES FIRST STEPS IN ADDRESSING AUTONOMOUS SHIPS

The IMO has started researching how safe, secure and environmentally-friendly Maritime Autonomous Surface Ships (MASS) are and how they may be addressed in the IMO instruments. The IMO's Maritime Safety Committee (MSC) endorsed a framework for a regulatory scoping exercise, in the form of a work in progress, including preliminary definitions of MASS and degrees of autonomy,



as well as a methodology for conducting the exercise and a plan of work. A MASS is defined as a ship which, to a varying degree, can operate independently of human interaction.

As a first step, the exercise will identify current provisions in IMO instruments and analyse how they may or may not be applicable to varying degrees of autonomous ships. Secondly, it will be analysed how MASS operations can be addressed in the most appropriate way.

The MSC established a correspondence group on MASS to test the framework during its 99th session and further invited interested Member States and international organizations to submit proposals related to the development of interim guidelines for MASS trials to its next session, the MSC 100.

Source: **IMO**

OCEAN FREIGHT RATES AND OIL PRICES

Considering the summer peak season ahead, ocean freight rates seem to remain at a stable level while the availability of slots appears to be ample on front haul container trades. Nevertheless, there were concerns regarding a possible rise in key trades and rising fuel costs.

In early May, the oil prices reached their highest level over the past three years. The US sanctions against Iran and the low output in Venezuela have been identified as the key factors, which also prompted concerns about possible oil outages. Over the past year, the oil prices have increased by almost 20%. After having held back the supply under the OPEC agreement since last year, Russia and Saudi Arabia have indicated that they will gradually increase oil production. Following this indication by Russia on 25th May, the oil prices have started to decline. Over the weekend, the oil price decreased from \$79.5 to \$75.3 per barrel of North Sea Oil.

Source: ShippingWatch and Lloyd's Loading List

Customs

CLECAT CUSTOMS INSTITUTE AND BREXIT WORKING GROUP MEET

On Friday 25 May, CLECAT's Customs and Indirect Taxation Institute (CITI) and Brexit Working Group (BWG) met in Paris. The meeting discussed important topics such as the implementation of the UCC and IT changes and customs issues related to Brexit.

A delegation of the UK's EU Exit Policy Team was invited to have an exchange of views with the Brexit Working Group. Various issues were discussed like the possible future customs arrangements, VAT, Excise and RoRo-proposals. Special attention was given to stakeholder engagement and business readiness.

One of the major concerns of Brexit still are the potential capacity issues (human recourses and IT) on both the public and private side for the various countries involved. As the Members of CLECAT, Customs Brokers and Freight Forwarders, are involved in approximately 80% of all border formalities in Europe, Brexit will have major impact on our business. Vice versa, Forwarders and Customs Brokers also have responsibility in ensuring a smooth Brexit, especially for small and medium sized enterprises which have not dealt with customs and other border procedures yet and to whom certain customs



simplifications and facilitations might not be available from the start. In the next few weeks, the CLECAT members will further deliberate, at on a national and European level on what actions should be taken in order to ensure a smooth exit of the UK from the EU and by the end of the month CLECAT publish a more detailed paper with its view on Brexit.

The main topic of the CLECAT Customs institute meeting was the transition towards the full implementation of the UCC. On 1 May 2019 all current authorisations have to be re-assessed by the Member States. Already at the entering into force of the UCC in 2016, it was clear that this deadline was not very realistic. First of all, the implementation of the UCC itself was delayed, because of ongoing discussions regarding the delegated and implementing act, leaving customs authorities and businesses with less time than originally granted for the transition. Secondly, directly after entering into force it became clear that the UCC had to be amended on various important aspects like AEO, the definition of exporter and the reductions of guarantees, leading uncertainty and unclarity on how the prepare for full implementation. Finally, current major political subjects like Brexit, sanctions and trade defence measures lead to less capacity to fully focus on the UCC implementation.

CLECAT considers that, even though the current situation was expected, the problems and burdens caused by choices made by the Commission and Member States, may not fall entirely onto trade. This should start with clear, transparent and honest communication towards trade, which is lacking in various aspects. Another major worry of CLECAT is that Member States, while implementing the new legislation and accompanying IT systems, tend to focus solely on the requirements for trade and very little on the simplifications and facilitation provided by the UCC. Of course, CLECAT has already addressed these issues and will continue to do so.

The next few years will not be easy for companies involved in international trade and logistics. Next to the implementation of the UCC and the various before mentioned issues like Brexit and trade defence measures, there will also be a complete overhaul of the EU VAT and Excise systems, new rules and regulation on veterinary and phytosanitary checks (OCR) and enhanced security measures (ICS and PLACI). Even though most of these initiatives are meant to eventually improve trade and logistics, in order to get there, major costs and efforts are required especially by trade. For all these initiatives to succeed, good cooperation, communication and realistic planning by policy makers on EU and national level is required.

COMMISSION PROPOSAL FOR FUTURE EU VAT SYSTEM

On 25 May, the Commission has proposed detailed technical amendments to EU rules on value added tax (VAT) that supplement the recently proposed overhaul of the system to make it more fraudresilient.

The package of measures substantially modifies the rules relating to VAT and should make life easier for companies across the EU, putting an end to 25 years of a 'transitional' VAT regime in the Single Market. Last October, the Commission proposed the main principles for the creation of a single EU VAT area which would help to shut down the estimated €50 billion in fraud currently affecting national budgets annually in EU Member States. With these technical measures, the Commission hopes that Member States will kick-start discussions on the broader principles or 'cornerstones' of a simpler and resilient definitive EU VAT system for the trade in goods within the EU.

In the current VAT system, trade in goods between businesses is split into two transactions: a VATexempt sale in the Member State of origin and a taxed acquisition in the Member State of destination. The proposal of 25 May should put an end to this artificial split of a single commercial transaction. Once agreed, the amendments contained in the VAT rules will define the cross-border trade of goods



as a 'single taxable supply' which will ensure that goods are taxed in the Member State where the transport of the goods ends – as it should be. VAT fraud should be dramatically reduced. The proposal also clarifies that it is the seller that should charge the VAT due on sale of goods to his customer in another EU country, at the rate of the Member State of destination. Only where the customer is a Certified Taxable Person (i.e., a reliable taxpayer, recognized as such by the tax administration) will the acquirer of the goods be liable for VAT. Furthermore, in order to make the change to VAT rules as seamless as possible for businesses, the amendments would introduce the necessary provisions to put in place an online portal or 'One Stop Shop' for all business-to-business (B2B) EU traders to sort out their VAT, as announced by the Commission's October 2017 reform proposals. This system will also be available to companies outside the EU who want to sell to other businesses within the Union and who would otherwise have to register for VAT in every Member State. Once in force, these businesses will simply have to appoint one intermediary in the EU to take care of VAT for them, which could be a Freight Forwarder or Customs Broker.

The Commission has consistently pressed for the reform of the VAT system. The Commission's 2016 VAT Action Plan announced its intention to propose a definitive VAT system for the EU. Since then, progress has been made with new rules agreed on VAT for online sales, and the Commission has already put forward its proposals on the main principles behind the future definitive EU VAT area and a major reform of how VAT rates are set in EU Member States. Last week's proposal follows up on these preceding steps.

Source: **EU Commission**, **DG TAXUD**

UPDATE OF RULES GOVERNING ALCOHOL EXCISE DUTIES

On 25 May, the Commission proposed to reshape the rules governing excise duty on alcohol within the EU, paving the way for a better business environment and reduced costs for small alcoholproducing businesses and better protection for consumer health. The announcement means that small and artisan alcohol producers (including, for the first time, small independent cider makers) will have access to a new EU-wide certification system confirming their access to lower rates of duty across the Union. Consumer health should also benefit from a crack-down on the illegal use of tax-free denatured alcohol to make counterfeit drinks. There will also be an increase in the threshold for lower strength beer to which reduced rates may apply.

The proposal will, among other things, put in place a uniform certification system, recognisable in all EU countries confirming the status of independent small producers throughout the Union. This should reduce the administrative and compliance costs for small producers who should benefit from reduced excise rates under certain conditions. An update of the IT systems is also foreseen. The new rules will replace the outdated paper-based procedures used to track movement of certain denatured alcohol and will result in the mandatory use of the Excise Movement and Control System (EMCS). Finally, the proposals include measures in general excise duty rules to remove barriers for SMEs. This should allow SMEs to use modern IT systems when they wish to do so and lifts their existing obligation to employ tax representatives. Member States can currently insist that distance sellers of excise goods employ tax representatives, which can make legitimate trade financially unviable.

Existing EU rules on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages were agreed in 1992 (Directive 92/83/EEC). Other legislation in this area, proposed for recast today (Directive 2008/118/EC) lays down the common provisions which apply to all products subject to excise duties (alcohol, tobacco and energy). The revision of both Directives is part of the Commission's REFIT programme. The Council has also asked the Commission to carry out the necessary studies and consultations to submit a proposal for the revision of both Directives. As part



of this work, open public consultations were launched in 2017. Respondents noted the added value in a clarification of the current rules and welcomed reductions in administrative and compliance burdens. The legislative proposals will now be submitted to the European Parliament and the European Economic and Social Committee for consultation and to the Council for adoption.

More detailed information about the proposals can be found on the DG TAXUD website

COUNCIL AGREES TO REINFORCE THE SINGLE MARKET

On 28 May, the Council agreed on a general approach on a draft regulation aimed at improving the mutual recognition of goods marketed in another member state. The objective of the regulation is to improve the application of the principle of mutual recognition in the internal market, and thus to ensure that goods lawfully marketed in one Member State can be sold in any other member state, as long as they are safe and respect the public interest.

According to the Council, the existing framework does not ensure a reliable application of this principle as market access of goods, which are considered safe and in line with the public interest in one Member State, may be denied or restricted in another member state. Consequently, businesses are facing unwarranted costs and delays, because they have to adapt their goods to the requirements of national markets. All member states have acknowledged the need to modify the current legislative framework in order to reduce differences in the interpretation and application of the principle of mutual recognition by national authorities and to remove obstacles hampering a truly level playing field for businesses.

As compared to the current legislative framework, a number of improvements are proposed to the application of the principle of mutual recognition, including the clarification of the scope of mutual recognition, the introduction of a self-declaration to facilitate demonstrating that goods have already been lawfully marketed in a member state, the establishment of a problem-solving procedure to provide practical solutions to citizens and businesses in terms of compatibility of an administrative decision denying or restricting market access with the principle of mutual recognition and finally the setting up of an efficient administrative cooperation.

A vote in the EP's internal market committee is scheduled after the summer break.

Source: <u>EU Council</u>

EU EXTENDS SANCTIONS AGAINST SYRIA

On 28 May 2018, the Council extended EU restrictive measures against the Syrian regime until 1 June 2019. Given the ongoing repression of the civilian population, the EU decided to maintain its restrictive measures against the Syrian regime and its supporters, in line with the EU strategy on Syria.

The Council also updated the information relating to certain persons and entities on the list and removed two deceased persons from the list. It now includes 259 persons and 67 entities targeted by a travel ban and an asset freeze. The persons added most recently were included for their role in the use of chemical weapons, as was the case for the 4 persons added to the sanctions list on 19 March 2018.

More broadly, sanctions currently in place against Syria include an oil embargo, restrictions on certain investments, a freeze of the assets of the Syrian central bank held in the EU, export restrictions on



equipment and technology that might be used for internal repression as well as on equipment and technology for the monitoring or interception of internet or telephone communications.

Source: **EU Council**

LIST OF US PRODUCTS FOR POTENTIAL RE-BALANCING DUTIES

Last week, the EU has notified to the WTO a list of US products on which the EU may in the future apply extra import duties. This would be to compensate in an equivalent manner for the impact of the US tariff measures on steel and aluminium, which the EU considers to be safeguard measures in effect, should they enter into force.

This notification follows the publication of the list in the EU's Official Journal. This is a procedural step to preserve the EU's rights and interests under the WTO Agreement on Safeguards, requiring the notifying Member, the EU in this case, to give written notice before it can proceed to the suspension of trade concessions of another member, in this case of the United States. The suspension of concessions is a necessary step in case the EU would at a later stage not be exempted from the duties and decide to impose additional customs duties on imports from the US.

The EU may also decide to revise or change its list should that be necessary or appropriate. This notification does not result in any immediate imposition of additional duties on imports from the US. Should the EU decide to go ahead with the additional import duties, this step would be taken in full compliance with the rules under the WTO Safeguard Agreement.

Source: **EU Commission**, **DG Trade**

AIR FREIGHT CAPACITY ISSUES RE-EMERGE

According to the Loadstar, shippers are currently exercising increasingly more pressure on forwarders to ensure that they receive a guaranteed space throughout the year, thereby avoiding the situation in 2017 when surging demand and scarce capacity forced shippers and forwarders to search for charter flights and alternative shipping strategies. As a reaction to these fears, several big shippers have started efforts to secure dedicated flights to many different locations. Furthermore, companies have started buying the remaining capacity ('dead freight'). Based on the percentage to which the cargo on the flight will be filled, companies will re-sell the remaining capacity. This strategy has been favoured, as the purchase of loading space during capacity shortages can be extremely costly for the companies.

Forthcoming events

EVENTS WITH CLECAT PARTICIPATION

Swedish Freight Forwarders Event (SIFA) 29 May 2018, Gothenburg

Dutch Freight Forwarders Event (FENEX)

31 May 2018, Rotterdam

DIGITAL TRANSPORT AND LOGISTICS FORUM PLENARY MEETING

14 June, Brussels

TLF ANNUAL EVENT

20 - 21 June, Paris

CONFERENCE ON TRANSIT FRAUD

20 June, Brussels

ALICE PLENARY

22 June, Amsterdam

CLECAT BOARD/GENERAL ASSEMBLY

29 June, Sofia, Bulgaria

FIATA WORLD CONGRESS

26-29 September, New Delhi

EP MEETINGS

European Parliament TRAN Committee

4 June

20 - 21 June

European Parliament Plenary Session

28 - 31 May 2018, Strasbourg

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