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## *Brussels news*

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### INDUSTRY CONCERNS OVER THE COMBINED TRANSPORT DIRECTIVE

CLECAT has reached out to the Permanent Representatives of EU Member States to express the industry's concerns over proposed amendments from the Austrian Presidency to the Combined Transport Directive, which will be discussed on 3 December with the ambition to reach a general approach in the Council.

CLECAT believes that the revised Directive, as proposed by the Commission, encourages the use of combined transport in order to achieve a more resource-efficient transport and logistics network. The revision should pave the way for efficient intermodal and multimodal freight services, offering a level playing field for all modes of transport. However, the compromise proposal drafted by the Austrian Presidency goes largely against these objectives and includes the following amendments which the European logistics and freight forwarding industry cannot support:

- the domestic combined transport has been eliminated from the scope,
- Member States are put in charge of defining what makes a terminal 'nearest suitable',
- Member States would gain the right to limit the number of combined transport road legs a haulier from a third country may perform (relating to article 4),
- a 'transit clause' has been introduced, whereby a Member State may unilaterally disqualify a combined transport operation,
- technically unfeasible documentation to be provided during a roadside check,

- Member States will not be obliged to prepare a regular report on the state of combined transport.

CLECAT has alerted the Permanent Representatives to the likely consequence of a very restrictive directive with regards to the road leg, which is that logistics companies will abandon combined transport and simply make use of road freight transport operations. The risks of non-compliance and sanctions becomes obvious in case of many different national rules and interpretations.

## INDUSTRY URGES EU MEMBER STATES TO EXCLUDE INTERNATIONAL TRANSPORT FROM POSTING RULES

In a joint letter to the Member States Representatives to the EU, CLECAT, EEA and FIATA have expressed their severe concerns over the Austrian Presidency's proposal on the *lex specialis* regarding the posting of workers, which will be discussed during the upcoming Transport Ministerial Council on 3 December with the aim to reach a general approach.

The joint industry statement, issued on behalf of shippers, freight forwarders and express carriers, urges the Member States to reject the Austrian Presidency's proposal on the *lex specialis* and opt for a full exclusion of the international transport from posting rules. Excluding bilateral transport plus two additional transport activities on the way to the Member State of destination, alongside another two activities on the same way back to the Member State of establishment (as proposed by the Austrian Presidency, is far from sufficient to guarantee a well-functioning internal market for road transport. In addition, the compromise does not lead to better regulation as the stated objective of better enforcement will not be reached.

Considering the adverse impact of the Austrian Presidency's proposal on the transport and logistics operations as well as on the environment, the industry believes that the only reasonable way forward is to reject any text that falls short of completing the EU Single Market for transport and to fully exclude international transport from posting rules.

The joint industry statement is available [here](#).

## COUNCIL AND EP SEEK PROGRESS ON FIRST MOBILITY PACKAGE

As the European Parliament's Transport (TRAN) Committee's compromise on the first Mobility Package was rejected during the Plenary vote in July 2018, the Rapporteurs involved (MEP Van de Camp, MEP Ertug and MEP Kyllonen) have been exploring how to move forward (both procedurally and content-wise) on the unresolved issues (rules on cabotage, the regime for the posting of drivers in international transport, resting periods taken at dedicated parking areas, and the obligation for drivers to return home).

The TRAN Committee will vote on a new compromise on the Mobility Package on 13 December –After this the intention is to take the compromise to vote in Plenary in January 2019.

After two failed attempts by the Austrian Presidency to progress on the package in COREPER, the Austrian Compromise will go for a General Approach at the Transport Council next week Monday on 3 December. The above article refers. See also [the background brief](#) from the Council.



## E-ID'S, E-SIGNATURES AND TRUST SERVICES IN TRANSPORT

As part of the European Commission's ongoing study to support the uptake of e-ID's, e-Signatures and trust services among smaller and medium sized companies ([eIDAS4SMES](#)), a conference was organised on the 26 November by the European Commission. The participants from various backgrounds discussed how the [eIDAS regulation](#) can support the digitalisation of SMEs in Europe, to gather feedback and discuss actions for the future. A panel of experts from the legal, fintech, transport and ecommerce sector discussed the needs of SMEs to foster the uptake of eID and trust services in their day to day operations. CLECAT presented the views for the logistic and transport sector.

CLECAT argued that in the logistic industry exchange of data will become fully digital within the next years. This provides many opportunities for especially SME's, as digitalisation and automation of administrative processes in transport are the main way to deal with increasing rules, regulations and barriers in international trade, while at the same time the consumer is promised next day delivery for free. However, cyber security and knowing who a company is doing business with are also becoming increasingly important. Therefore, an improved uptake of the use of e-signatures and e-ID's is also of great importance.

In order to increase this uptake, CLECAT considers that several aspects need to be improved. The eIDAS regulation itself provides a lot of opportunities, however, the implementation in practice is not always as it was originally intended. A main issue is that the difference between a natural and legal person is not always respected, which means that individual employees have to act on their own behalf instead of on behalf of the company they work for. Next to that, acquiring personal e-signatures



and e-ID's can be a costly and lengthy process, which can mean that if an employee works temporarily at a company, he or she might not work there anymore by the time the e-signature is acquired.

Another major issue is a lack of solutions for system-to-system (S2S) communication. In transport, an SME can have numerous transactions a day with high time-pressure. They need specialised software which can process data in an efficient manner (not a webform) and need to be able to exchange data with other businesses and authorities in an automated way (S2S). The way e-signatures are often implemented currently, prevents this way of communication and automation, leading to more manual work and a halt in innovation and efficiency improvement.

Nonetheless, CLECAT believes that the eIDAS regulation can be very helpful in further digitalising trade and transport, if it is implemented as intended, and therefore CLECAT fully supports the Commission's efforts in promoting the use of eIDAS.

For CLECAT's presentation please visit: [eIDAS for SMEs in transport](#)

## EC RECONFIRMS EFFORTS FOR EQUAL OPPORTUNITIES IN THE TRANSPORT SECTOR

One year ago Transport Commissioner Violeta Bulc launched [together with the European Economic and Social Committee \(EESC\)](#) the [EU Platform for Change](#) to create equal opportunities in the transport



sector. Today the conference on 'How to attract women to the transport sector' takes stock of what has been achieved in the meantime: So far, 22 members have joined the Women in Transport EU Platform for Change. Numerous EU employers' and workers' associations from across all modes of transport as well as four EU Member States, Austria, Croatia, Spain and Sweden, and agencies such as the Spanish Aviation Safety Agency, and the EU Agency for Railways ERA, support now actively the Platform to increase female employment in the sector.

The Platform enables stakeholders to highlight their specific initiatives in favour of gender equality in the transport sector and to exchange [good practices](#).

The conference brought together 200 stakeholders to discuss the main challenges that prevent women to join the transport sector and possible solutions. To support stakeholders in their efforts, the Commission has initiated two studies, which will be presented at today's event. The first one, "*Making the EU transport attractive to future generations*" can already be consulted [online](#). The second one identifies measures that companies can put in place to increase their gender balance. Preliminary results will be discussed at the event while the full report will be published shortly thereafter.

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## Road

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### EC WORKING GROUP ON URBAN MOBILITY

On 29 November, CLECAT attended the second stakeholder workshop on Urban Vehicle Access Regulations (UVAR) organised by the European Commission's DG MOVE.

The aim of the stakeholder working group is to produce a guidance document on UVARs, which shall be presented to the Expert Group on Urban Mobility (EGUM) for further action. The guidance document is based on the [UVAR study](#), which was conducted by DG MOVE in 2017. However, this guidance document shall be more concise and provide common views on the European level.

CLECAT is part of the working group which is tasked with the drafting of the chapter on Best Practices for UVARs. Within the ambit of the work carried out in the group, the focus is put on the design and type of UVAR which is most effective to achieve the policy goal, consultation procedures, information sharing and enforcement. The main outcome of the chapter is the creation of a list of principles which cities should consider when developing UVARs.

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## Rail

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### CONFERENCE ON EURASIAN CONNECTIVITY AND INDUSTRIAL COOPERATION

Last week, CLECAT attended the second EurAsian Connectivity and Industrial Cooperation Forum, organised by FERRMED. The Forum discussed the new challenges in infrastructure, operations and rolling stock on the trans-EurAsian Silk Road railway land bridge. The aim of the forum is to develop guidelines and promote corresponding actions in a business-focused approach to achieve the goals of



China's Belt and Road Initiative (BRI) and the EU's policy strategy on sustainable connectivity between Europe and Asia.

The forum provided an insight into a business-oriented approach for the enhancement of the trans-European and trans-Eurasian rail freight system, as well as the trans-Eurasian trade trends and their influence on multimodal transport modes. Regarding the infrastructure, proposals for selective and business-oriented developments were presented. The main targets related to train length, loading gauge, bottlenecks, missing links and gauge-break points

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## Maritime

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### ANTWERP PORT AUTHORITY CLEARED OF BREAKING EU STATE AID RULES

Following a two-year investigation into whether Antwerp Port Authority broke EU state aid rules in dealing with its two major container terminal operators during the global financial crisis, the European Commission has ruled that it had acted as a private investor would have.

In 2004, the Antwerp Port Authority concluded concession agreements with PSA and DP World on the operation of its newly built facilities in the port's Deurganckdok area for 42 years each. If the terminal operators did not meet the minimum tonnage requirements, set by the individual agreements, they would be required to pay compensation to the port authority.

Due to the financial crisis that started in 2009, neither PSA nor DP World met these requirements. In March 2013, rather than claiming compensation, the Antwerp Port Authority reactively lowered the minimum tonnage requirements, reducing the amount of compensation due by each of the operators by 80%. This led to a competing terminal operator's formal complaint to the European Commission, stating that EU state aid rules had been broken, consequently distorting market competition.

However, the Commission's ruling, issued last week, cleared the port authority of breaking the state aid rules. According to the Commission's competition authorities, "in the context of the economic crisis, a certain adjustment of the minimum tonnage requirements was justifiable, since container volumes and traffic decreased in all major ports in Europe, including Antwerp." The Commission further concluded that, given the importance of container operations to Antwerp, a privately-owned port authority would have acted in the same way.

More information available [here](#).

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## Sustainable Transport

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### 2050 EU CLIMATE STRATEGY FEATURES SUSTAINABLE MOBILITY

On 28 November, the European Commission unveiled its strategic long-term vision for tackling climate change in Europe by 2050. The strategy sets out eight scenarios, ranging from an 80% cut to net-zero





emissions, where the most ambitious scenario would make Europe the world's first major economy to go fully carbon-neutral.

The road to carbon neutrality would require joint action in several strategic areas, among which a shift to truly sustainable mobility. First, all transport modes need to contribute to the decarbonisation of the mobility system. Second, a more efficient organisation of the entire mobility system based on digitalisation, data sharing and interoperable standards is of utmost importance. Eventually, the transition towards net-zero emissions requires the necessary infrastructure, i.e. the completion of the Trans-European Transport Networks by 2030 and the comprehensive network by 2050.

The EU Member States are expected to agree on a final approach next year, with a view to submit it to the United Nations in 2020. However, finding an agreeing on the issue will be difficult, with such countries as Poland and Germany struggling to meet their commitments, and others such as Denmark, Sweden and Spain seeking a more ambitious commitment.

The Commission's Communication can be found [here](#).

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## Brexit

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### UPDATE BREXIT NEGOTIATIONS

In a special meeting on 25 November, the European Council endorsed the [Agreement on the withdrawal of the United Kingdom](#) of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. On this basis, the European Council has invited the Commission, the European Parliament and the Council to take the necessary steps to ensure that the agreement can enter into force on 30 March 2019, so as to provide for an orderly withdrawal.

The European Council also approved the [Political Declaration setting out the framework for the future relationship](#) between the European Union and the United Kingdom. The European Council restated the Union's determination to have as close as possible a partnership with the United Kingdom in the future in line with the Political Declaration. The Union's approach will continue to be defined by the overall positions and principles set out in the previously agreed [European Council's guidelines](#). The European Council thanked Michel Barnier for his tireless efforts as the Union's chief negotiator and for his contribution to maintaining the unity among EU27 Member States throughout the negotiations on the withdrawal of the United Kingdom from the European Union.

As things stand in the UK, it looks unlikely that Theresa May can [get the deal through the Parliament](#). The Members of the Parliament will vote on Tuesday, 11 December. Labour and all the other opposition parties in the House of Commons have said they will vote against it. Dozens of Conservative MPs - some reports say as many as 80 - are also opposed to it. And Northern Ireland's Democratic Unionist Party, who Mrs May relies on to keep her in power, have also said they will vote against it. Brexiteers say it is not what people voted for and it could keep the UK tied to the EU indefinitely, without any say over its rules. Some have even argued that it would be worse than staying in the EU. Remainers also argue that it is a worse deal for the UK than staying in the EU.

It is hard to say for certain what would happen if the UK Parliament would not accept the withdrawal agreement. There are number of possible scenarios, including a no-deal scenario (the UK will become a third country to the EU as of March 2019), there could be another vote in Parliament (Mrs May will



get three weeks to make a second attempt), another EU referendum (this can only happen if the government brings forward legislation to hold one and a majority supports it), a general election (which would need a no-confidence vote in the PM), Theresa May is removed by her own MPs and a new leader tries to renegotiate a deal with the EU or lastly, Labour forming a minority government without a general election to have a go at getting its own version of Brexit - centred around a permanent customs union with the EU - through Parliament.

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## Customs

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### SAFEGUARD MEASURES FOR FREE TRADE AGREEMENTS

On 28 November, the European Parliament, the Council and the Commission reached a political agreement on an EU horizontal safeguard regulation that will streamline the inclusion of safeguard measures in trade agreements so that they will be applied effectively and consistently.

The bilateral trade agreements negotiated by the EU usually contain safeguard mechanisms allowing the EU to temporarily reintroduce custom tariffs when imports under the agreement reach an unexpected high level which might lead to serious economic damage to an EU industry. In the past, the EU adopted separate regulations for the implementation of the bilateral safeguard clauses for each individual trade agreement, even if the rules put in place for each agreement were very similar. The agreed regulation will make the process more efficient, but also more coherent, as the same rules will be applied under all future EU trade agreements.

It is now up to the European Parliament and the Member States to confirm the political agreement and give the final greenlight to the proposal before it can enter into force. The Regulation for the moment foresees the implementation of the EU-Singapore Free Trade Agreement (FTA), the EU-Vietnam FTA and the EU-Japan FTA. Further trade agreements might be added to the scope of the regulation by means of delegated acts.

Given that the agreed regulation will make it easier and faster for the EU to react in case of a sudden surge of imports under bilateral trade agreements, CLECAT advises importers and their logistic service providers to monitor duty developments on their products closely in order to avoid unforeseen changes.

Source: [European Commission](#)

### SHARP RISE IN TRADE-RESTRICTIVE MEASURES

The World Trade Organization (WTO) issued its 20<sup>th</sup> Monitoring Report on G20 trade measures on 22 November, which seeks to shed light on the latest trends in the implementation of a broad range of policy measures that facilitate as well as restrict the flow of trade.

The report covers new trade and trade-related measures implemented by G20 economies between 16 May and 15 October 2018. While G20 economies continued to implement trade-facilitating measures, the figures show a significant increase in the number and coverage of trade-restrictive measures. G20 economies applied 40 new trade-restrictive measures during the review period, including tariff increases, import bans and export duties. The estimated trade coverage of those



measures (USD 480.9 billion) was more than six times larger than that recorded in the previous period and is the largest since it was first calculated in 2012.

A range of other subjects are also covered by the report. For instance, G20 economies continue to be very active in notifying sanitary and phytosanitary (SPS) and technical barriers to trade (TBT) measures. On trade in services, various G20 economies have introduced new measures. Many of these measures are horizontal in nature, affecting different modes of supply across several sectors. Among sector specific measures, most relate to communication, financial, and maritime transport services.

Please click [here](#) to read the full report.

## EU-US MUTUAL RECOGNITION AGREEMENT FOR INSPECTIONS

On 29 November, progress was made on the mutual recognition agreement between the EU and the US to recognise inspections of manufacturing sites for human medicines conducted in their respective territories. The US Food and Drug Administration (FDA) confirmed the capability of five additional EU Member States to carry out good manufacturing practice (GMP) inspections at a level equivalent to the US. Belgium, Denmark, Finland and Latvia were included into the mutual recognition agreement on 16 November and Estonia on 28 November 2018.

In June 2017, the European Commission already confirmed that the FDA has the capability, capacity and procedures in place to carry out GMP inspections at a level equivalent to the EU. Since 1 November 2017, EU Member States and the European Medicines Agency (EMA) can rely on inspection results from the FDA. The mutual recognition agreement between EU and US regulators strengthens reliance on each other's inspection's expertise and resources.

The mutual recognition agreement is underpinned by robust evidence on both sides of the Atlantic that the EU and the US have comparable regulatory and procedural frameworks for inspections of manufacturers of human medicines. It is expected to be operational in all EU Member States by 15 July 2019.

Source: [European Commission](#)

## EU AGRI-FOOD EXPORTS REMAIN STABLE

The latest trade report published by the European Commission indicates that the year on year performance of EU agri-food exports remains remarkably stable with the September 2017 - August 2018 period representing a 0.1% change on the previous 12 months. That was due to a slight decline during August 2018 with exports dropping to €11.3 billion (a decrease of 2%), with imports also falling slightly to €9.1 billion (a drop of 0.6%).

The highest increases in monthly export values were recorded for Algeria, Saudi Arabia and Singapore. In contrast, exports to China fell by the largest amount. There were also drops in exports to both Turkey and Iran. In terms of imports, the imports from the US have sustained their increase by €186 million when compared to the figure from the previous August. South African and Russian imports also performed strongly. Despite that, there were significant decreases in exports from the Ivory Coast, Argentina and Paraguay.

Source: [European Commission](#)





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## Digitalisation

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### WTO ANALYSES POTENTIAL IMPACT OF BLOCKCHAIN ON INTERNATIONAL TRADE

On 27 November, the World Trade Organization (WTO) launched a new publication entitled “*Can Blockchain revolutionize international trade?*”, sparked by the growing global interest and debate on Blockchain.

The publication introduces a basic explanation of the Blockchain technology and goes on to analyse the relevance of its relevance for trade facilitation by reviewing its current and potential application in the various areas covered by WTO rules. The publication provides an insight into the extent to which the Blockchain technology could affect cross-border trade in goods and services and in intellectual property rights. The possibility of reducing trade costs and enhancing supply chain transparency is addressed, as well as the opportunities Blockchain provides for micro, small and medium-sized enterprises.

The publication also discusses various challenges to the wider and more significant impact of Blockchain on international trade. Such challenges include whether the technology can be scaled up for large or complex applications, how immune it is to security threats, to what extent various Blockchain platforms can be used in an integrated manner, and which legal issues need to be ironed out to increase mainstream use of the technology.

The publication argues that the transportation and logistics sector constitutes a fertile ground for Blockchain implementation due to the high number of actors involved and could be deeply transformed. It is noted that the potential benefits that Blockchain offers to the sector are arguably wide-ranging, with the key benefit being the possibility of enhancing collaboration between the various companies involved, while at the same time allowing them to retain control of sensitive information and of who knows what and when.

Click [here](#) to read the full publication.

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## General

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### TRADE SUPPORTS OVER 36 MILLION JOBS ACROSS THE EU

On 27 November, the European Commission published a report entitled “*EU exports to the world: effects on employment and income*”, highlighting the increasing importance of the EU exports for job opportunities in Europe and beyond.

The EU exports to the world support 36 million jobs across Europe, two thirds more than in 2000. The figures also indicate that the highest increases since 2000 have been in Bulgaria (+312%), Slovakia (+213%), Portugal (+172%), Lithuania (+153%), Ireland (+147%), Estonia (+147%) and Latvia (+138%).



In addition, the EU value added generated by the EU exports has kept a growing path since 2000, more than doubling the value added directly or indirectly linked to such exports. In 2017, the EU exports generated €2.3 trillion of value added in the EU.

Source: [European Commission](#)

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## *Forthcoming events*

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### **CLECAT MEETINGS**

CITI Customs Indirect Taxation Institute meeting

31 January - 1 February, Brussels, Belgium

### **OTHER EVENTS WITH CLECAT PARTICIPATION**

Rail Freight Day

5 December, Vienna

Export Control Forum

13 December, Brussels

ALICE meeting

13 December, Brussels

EVO/FENEDEX Air Freight Seminar

13 December, Brussels

LEARN International Workshop

6-7 February, Brussels

### **EP MEETINGS**

European Parliament Plenary

10-13 December, Strasbourg

European Parliament TRAN Committee

3 December, Brussels

10 January, Brussels

European Transport Council

3 December, Brussels



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