



Brussels, 10 February 2020

Shippers, freight forwarders and port service providers strongly object to the inclusion of the prolongation of the CBER in the Commission's Work Programme

Associations representing shippers, freight forwarders and port service providers object to the inclusion in the Commission's 2020 Work Programme of the decision of the Commission to extend the Consortia Block Exemption for another four years with the justification that it *'will continue to simplify the analysis of consortia's compliance with competition rules, limit the dependency on external advice and reduce legal costs.'*

Nicolette van der Jagt, Director General of CLECAT noted: *'this decision is based on the assessment that the CBER saves money for the shipping lines and cuts down on the red tape in the Commission, fully dismissing the views of the other parties in the maritime supply chain who are not benefiting from a similar exemption, but in many cases are competing with carriers on services.'*

Lamia Kerdjoudj-Belkaid, Secretary General of FEPORT added: *'We express strong disagreement with the procedure of the European Commission which has led to the publication of the decision to prolong the CBER in the Work Programme. We find the Commission's recognition that data is missing (as outlined in the Staff Working Document from December 2019) unacceptable in view of the recommendation to extend the BER without a single modification of the text.'*

Denis Choumert, ESC's Chairman continued: *'the Commission has fully dismissed the views of the customers that a block exemption is a massive loss for the protection of shippers and customers, under European competition law, who declare that the Commission needs a more robust assessment on the impact of the CBER on the entire supply chain.'*

Anna Maria Darmanin, Secretary General from ETA concluded *'we did not receive answers from the European Commission regarding the objections we have detailed in our legal analysis submitted in the framework of the last consultation on the CBER which has been closed on January 3rd 2020.'*

Not only has DG Competition largely dismissed the views of the users, operators and service providers in the supply chain, who all responded to the original consultation in 2018, the associations all share the view that there are many legal flaws in the arguments put forward by the Commission. These flaws relate to many issues - missing data, one-sided assumptions on efficiency gains disregarding non-rate related parameters, lack of a proper definition of relevant geographic markets to assess market shares and a complete failure to identify remaining benefits to users, if the CBER would be continued.

The associations call on the Commission to provide answers to the questions raised in the framework of the last consultation which are of primary importance for their respective members.

For more information:

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