



**CLECAT**

European association for forwarding, transport, logistic and customs services

# **Report on CLECAT activities on EU LEGISLATION**

**The Clecat Secretariat  
for the**

**CONGRESS OF SOUTHEAST EUROPEAN FFW AND LOGISTICS  
OPERATORS**

**May 21st – 23rd 2009**

**Ohrid**

# The view from above

- CLECAT, your voice in the EU
- The E.U. legislation agenda, mode by mode + sustainable logistics and Customs
  - What is the “Acquis communautaire” and the EU neighbouring policy?
- The consultation process and the involvement of CLECAT
  - CLECAT opinions and achievements

# CLECAT at a glance

- **22 MEMBERS, EU and continental coverage**
  - Freight Forwarders & Logistic service providers national federations and confederations
  - Customs Representatives national federations
  - Policy scope: EU legislation & neighbouring policy
- **COMPANIES**
  - Global players
  - SME's and regional operators
  - Small & family businesses
- **NUMBERS**
  - Over 19.000 companies
  - Over 1 million direct FTE's
  - ≈ 90% of Customs, 70% maritime, 90% air, 50% road and rail operations in Europe
- **WANT TO BECOME MEMBER? CALL US!!!**

# MS's, candidate and neighbouring countries

- The Acquis communautaire is constantly evolving and includes:
  - the content, principles and political objectives of the Treaties on which the Union is founded;
  - legislation and decisions adopted pursuant to the Treaties, and the case law of the Court of Justice;
  - other acts, legally binding or not, adopted within the Union framework, such as interinstitutional agreements, resolutions, statements, recommendations, guidelines;
  - joint actions, common positions, declarations, conclusions and other acts within the framework of the common foreign and security policy;
  - joint actions, joint positions, conventions signed, resolutions, statements and other acts agreed within the framework of justice and home affairs;
  - international agreements concluded by the Communities, the Communities jointly with their Member States, the Union, and those concluded by the Member States among themselves with regard to Union activities.
- The EU neighbouring policy (ENP) was developed in 2004, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and our neighbours and instead strengthening the prosperity, stability and security of all concerned. In this way, it also addresses the strategic objectives set out in the December 2003 European Security Strategy.

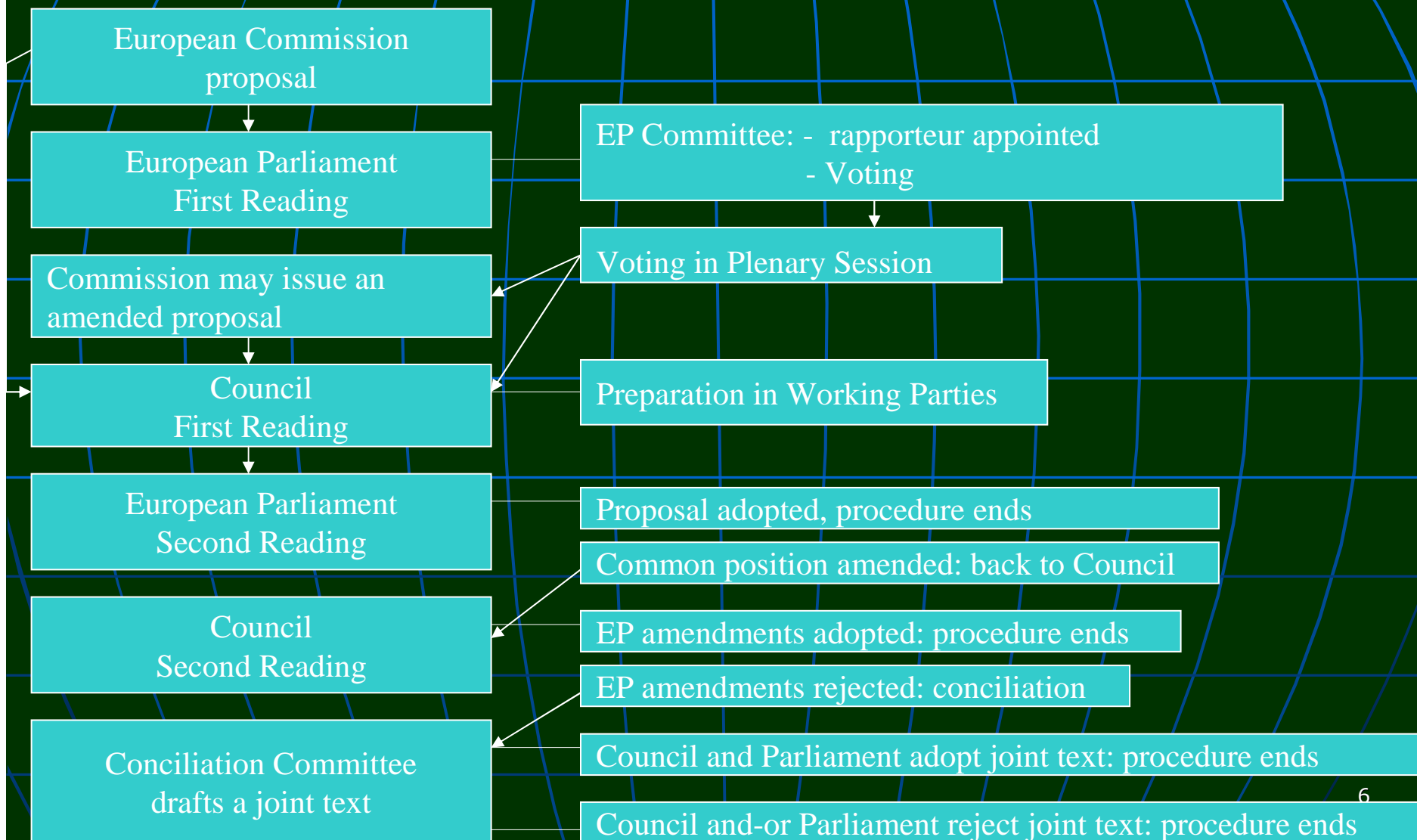
# What do we have to do with it?

- Transport and Services are part of the 1<sup>st</sup> Pillar of the EU Treaties
- We follow the co-decision process, from Commission to Parliament and eventually Council

THIS IS..... "EU LOBBYING"

Clecat is registered in the EU register of interest representatives

# The co-decision procedure



# Airfreight Institute

- The Directive on Airport Charges was adopted by Council in February, Member States implementation by 2011.
- Inclusion of aviation in the European Emission Trading Scheme (ETS) - This proposal was adopted in the last Council session; aviation will then be included in the ETS, beginning in 2012
- Aviation emissions consultation: VERY technical questionnaire was evaluated and a reply was sent to the Commission
- The Institute took note of other items, notably the Single Sky initiative, SESAR and several bilateral agreements with third countries.

# Maritime Institute

- Discussions included the upcoming consultation on state aid to ports and guidance on the application of EU environmental legislation to port development
- The proposal for a European Maritime Space without Barriers and the maritime transport strategy 2009-2018 has been published and will be discussed at the next meeting
  - The Chairman was a speaker at the Rome Conference on May 19th
- CLECAT reported on the repeal of Regulation 4056/86 on maritime conferences. The repeal came into effect on the 18th of October 2008, after strong lobbying by ESC and Clecat
- Other items were, shipping lines consortia, 45' containers and ISPM15

# Rail Institute

- On the proposal concerning a European rail network for competitive freight (published Dec 2008), Clecat took the following steps:
  - Position paper on the proposal, press release on the EP draft report, voting recommendations sent for TRAN vote in March 31st 2009
  - Strong coordination with EEA, ERFA and ESC, ECSA, ESPO and other high level representation to submit a joint statement
  - It was adopted in 1st reading in a “weaker” format.
- The Communication on rail noise (part of the Greening of Transport package) is a package published last July, EP initiative report was voted in plenary in March
  - Joint press release on the package, CLECAT now monitors the legislative development and takes a balanced approach on rail noise: seconding rolling stock renewal and avoid mandatory disposal of obsolete rolling stock
- Quality indicators in the rail freight market:
  - Position paper on a Communication in September 2008
  - CLECAT/ESC industry proposal presented to CER in private informal meeting waiting for their reaction, hopefully soon
  - If no result: Commission to come up with a proposal
- Rail interoperability:
  - Commission to come up with a proposal in immediate future
  - Clecat replied to a public consultation in September 2008

# Road Institute

- Access to the road haulage market:
  - EP 2<sup>nd</sup> reading; report adopted in plenary in April 22<sup>nd</sup> 2009
  - Position paper on the proposal, voting recommendations were sent for TRAN vote in March 31<sup>st</sup> 2009
- Weight and dimensions in road transport:
  - Study report published by the Commission in January 2009
  - Position paper on a revision of Dir 96/53 the Green Paper, Joint statement and joint press release on the study, joint press release on new website supporting EMS
    - <http://www.modularsystem.eu/>
- Eurovignette III:
  - Report was voted in plenary = some of Clecat's positions accepted, but controversy remained
  - LARGE INDUSTRY COALITION around Clecat/common views:
    - Position paper on the proposal, statement in TRAN Committee, joint position paper on the TRAN report, joint voting recommendations for TRAN vote, joint lobbying campaign for plenary vote and future Council meeting in all EU MS's
- ➔ The Eurovignette vanished from the political horizon in 2009, fortunately...
- ➔ The drivers' working time directive fell, but a consultation on drivers' training is now OPEN ➔ with future Clecat position.

# Sustainable Logistics AB

- Recent meetings have discussed national CO<sub>2</sub> legislation, green corridors, biofuels and the Swedish project “Road to Climate Neutral Freight Transportation”
- A meeting was held in Brussels with Hitachi research centre
- A Best Practice Guide will be produced compiling the many BP’s in existence. The results will be produced at the FFC2009 conference

# Interdisciplinary issues

- Green Paper on the future of TEN-T:
  - Published in February 2009
  - CLECAT has examined the Green Paper and has recently replied to a public consultation and....
- the Clecat position paper was “the best” the Commission received (ipse dixit)
- Action Plan on ITS in road transport and more:
  - Published by the Commission in December 2008, report was voted in plenary in April 2009 and approved
  - CLECAT replied to a previous public consultation; Position paper on the Action Plan
  - A lot of work will be ahead of us on this item.
- Marco Polo II, Alpine Convention and Freight Logistics Action Plan: CLECAT monitors the legislative development of these EU topics
- BOTTLENECKS – it has gone into phase 2 and will be ongoing for this and next year.

# EU Customs agenda, current CC

- Pre-arrival and pre-departure information
  - Mandatory lodgement of the export declaration in electronic form, last minute amendments, guidelines and explanatory notes (As being drafted with Clecat's cooperation)
  - Deadline 1.7.2009: what will happen?
    - Satisfactory solution for transitional period: ENS and EXS (advance information) will not be mandatory until 31.12.2010 for the trade, no transition period for export declaration ► mandatory lodgement of export declaration in electronic form as from 1.7.2009:
      - must be lodged pre-departure
      - Must contain (4) additional data for security risk analysis
- AEO, achievements?
  - 2100 applicants, 709 granted, 75% are AEO full, with big differences between different MS's
  - Still working on Mutual recognition AEO-CTPAT

# A Special feature, under current customs code

- Harmonization of conditions for authorisation
  - criteria for authorisation for simplified procedures & single authorization for simplified procedures
  - Regulation applicable since 1.1.2009
    - criteria are the same as for AEO-C
    - *“Any person may apply for authorisation for simplified procedures for his own use or for use as a representative”*
    - CLECAT was deeply involved in the development of e-learning tool, which is available on-line

# EU customs agenda, the new CC

- Comprehensive review of the implementing provisions
  - General rules
    - status of customs representative: entitlement to offer services in another Member State, if
      - AEO or accredited customs representative complying with the AEO criteria
      - accreditation on the basis of self-regulation
    - The right to be heard will be granted before a decision is taken which may negatively impact on the person concerned
  - All AEO's are in search of additional tangible benefits
  - Import/export & special procedures:
    - centralised clearance, 'self assessment':
      - CLECAT to ensure that simplifications and facilitations can be used by customs representatives to the benefit of their customers
    - Single Transport Document facilitation will be revisited (or abolished) under the AEO concept
      - CLECAT: include contractual carriers in the scope of the derogation
  - Customs debt and guarantees
    - preliminary draft provides for a general guarantee waiver for AEO, like for transit
    - Customs debt may in certain cases extinguish even in case of 'negligence'

# Standard of competence

- CLECAT Project: develop an open standard of competence for customs representatives
  - first stage: CEN Workshop Agreement or full standardisation procedure
  - business plan in preparation
  - Involvement of a large stakeholders' base under Clecat lead
  - Once CWA is achieved, will continue towards EN standard....

# Thank you!

[www.clecat.org](http://www.clecat.org)



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