



Newsletter March 2019

“Facts are stubborn things”

“And whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence” said John Adams, Second US President. And this is a valid statement in so many contexts.

Getting information upstream of the elaboration of any policy or change in a regulatory framework should always remain a priority for all policy and decision makers.

This is particularly true when EU industries can be directly or indirectly impacted by a Regulation which has been conceived under the assumption that it can only have positive effects for its beneficiaries while a whole range of other actors might also be impacted.

Hence, the crucial importance of analysing facts, all facts whether they are corroborating “inclinations”, contradicting or challenging them.

Port stakeholders may not like to hear that alliances are rationalizing port networks and that this leads to less frequency and less direct port connections, but this is a fact and a reality.

They may not want to cope with their growing dependence on alliance calls and the increasing buying power of carrier alliances, but this is also a fact.

Smaller container ports are declining as they are not anymore called and there are also less independent terminals in some ports and this is also a fact.

When facts show unbalances in terms of benefits for different players or harmful effects on the level playing field between different actors, then regulators must intervene to adapt the rules and guarantee fair competition and transparency in the market.

All stakeholders should be in favour of a good and thorough debate aiming at establishing whether rules are not producing counterproductive effects. Facts contribute to clarify things and help regulators to conduct meaningful assessments to propose rules which preserve general interest.

On another note, on the 5th of March 2019, the EU Council of Ministers officially endorsed legislative proposals for a Regulation to screen foreign direct investment ("FDI") into the EU. The Council's endorsement signals the successful passing of the Regulation through the full co-legislative process, having already been approved by the European Parliament on the 14th February 2019.

The Regulation primarily concerns inward FDI and does not affect EU investors' access to the markets of third countries.

The current President of the Council of Ministers for Trade, Mr Ștefan-Radu Oprea, welcomed the adoption of the Regulation, saying "*the EU is and will remain one of the world's most open places to invest in. The new rules on the screening of investments will ensure that openness goes hand in hand with sensible protection of our strategic assets*".

But do we have a clear vision on what our strategic assets are? Does this Regulation which tackles inward investments respond to the current needs of EU industries which want to enter third countries' markets? Will this Regulation contribute to instore more reciprocity between the EU and its trading partners? Does and will the EU Merger Control Regulation ("EUMR") process consider "appropriate measures to protect legitimate interests" while those interests are not yet regarded as compatible by the European Commission? Will this Regulation change the course of important FDI developments taking place at this moment?

Only facts will say...

08-03-2019 - Trade Contact Group & Customs Code Committee - Brussels

On 08 March, FEPORT participated in a special Plenary meeting of the Trade Contact Group on Brexit. FEPORT is a permanent member of the Trade Contact Group. The Trade Contact Group provides the European Commission with regular consultations at Union level on the development and implementation of customs related issues and developments of customs policy.

The meeting focused on the legal situation that will exist once the United Kingdom exists the European Union and what provisions should be put in place to assist with trade. Both the European Commission and FEPORT have stressed the importance of logistics operators being made

aware in good time of new obligations that will come into existence for traders looking to trade with the United Kingdom after their exit from the European Union.

For maritime transport, an entry summary declaration will be required for operators entering the European Union from the United Kingdom (as is the case with other third countries). The entry summary declaration will need to be communicated at least 2 hours before arrival at the first customs office of the European Union. In order to ensure as little disruption as possible, it is crucial that Ro-Ro operators and road hauliers and already putting in place provisions to ensure all required information is in place at the earliest possible moment.

11-03-2019 – EU Customs Guidance for a No Deal scenario - Brussels

On March 11th, the European Commission released a Guidance Note on customs matters in case the UK left the EU without a withdrawal agreement, thus becoming a third country without a transitional period.

This guidance aims at providing clarifications to MS and private companies with regards to customs procedures, tackling and giving special attention to the registration for EORI numbers, the impact on authorizations, proof of origin and origin procedures, return goods, transit and other special procedures such as warehousing, inward and outward processing. In addendum to the Guidance Note, two Annexes foresee three different business scenarios, i.e. in case of import, export or transit.

Alongside the EU Custom Guidance, the European Commission launched an informational campaign on how to guarantee an efficient transition for those companies that will continue business with the UK after its exit without a deal.

12-03-2019 – Adoption of the report on e- Freight Transport Information

On 12 March, the European Parliament adopted its final report on the European Commission's proposal for a Regulation on Electronic Freight Transport Information (eFTI).

The main elements of the report pertain to the electronic provision and acceptance of relevant regulatory information by private operators and Member States' competent authorities. Furthermore, the existing IT systems for the provision of regulatory information, currently utilized by private operators, can be re-used.

The Plenary adoption consolidated the Parliament position and has paved way for the Council to start examining the Commission proposal. The Transport Working Party of the Council already had a first meeting to examine the proposal.

When the Council reaches a general approach, the trilogue negotiations with the Parliament and the Commission will start, probably in Autumn with the newly elected Parliament and once the Council reaches a general approach.

12-03-2019 – Cybersecurity - Brussels

On the 12th of March Plenary, the European Parliament adopted the EU Cybersecurity Act, which aims at strengthening the European Agency for Network and Information Security (ENISA) by providing for more resources and a permanent mandate.

This act is necessary to improve EU responsiveness to the increasing cyber threats and, moreover, launches the first common European Cybersecurity certificate framework for IT services, systems, equipment and critical infrastructure, in order to ensure that cybersecurity standards are met in all the Member States.

The act still needs for the formal adoption from the Council.

15-03-2019 – Social Dialogue Committee for Ports – Brussels

On the 15th of March, the European social partners for ports held the first Sectorial Social Dialogue Committee (SSDC) meeting for ports of 2019. The SSDC for ports aims at creating a forum for discussion, consultation, negotiations and joint action involving organisations representing the two sides of industry (employers and workers).



During the meeting, participants shared their views on the Report "*The changing face of ports: socio-economic impact of market-based and technological developments on EU ports*". While there are still reservations regarding the empirical research, the report clearly assesses the impact of alliances and mega ships on the maritime transport chain.

Moreover, the EC provided an overview of the progress done regarding the consultation and evaluation of the Consortia Block Exemption Regulation.

Social partners also discussed on fumigation of containers and agreed to create a working group to draft guidelines on the topic.

The Committee exchanged views on how to make jobs in the maritime sector more attractive for young people and women, and what should be done to successfully promote jobs in ports.

18-03-2019 –  **confetra**
Confederazione Generale Italiana
dei Trasporti e della Logistica **High Level Meeting – Rome**



In the framework of the review of the Consortia BER, the Italian Confederation of Transport and Logistics (CONFETRA) organized, on March 18th, 2019, a high-level meeting involving all actors of the logistics chain and representatives from different Italian ministries to define a joint position of all actors.

FEPOR secretary General, Ms Lamia Kerdjoudj-Belkaid, was invited to present the position of private port companies and terminals and to explain why its members are calling for a modification of the Consortia BER.

Representatives of shipowners, shipping agents, ports, logistics providers, terminals, freight forwarders and experts confronted their views. The overwhelming majority agreed that a change in the Regulation is highly recommended to restore a more balanced relationship between different actors of the logistics chain.

Mr Olaf Merk joined the meeting via conf call and presented the main findings of ITF report on Alliances.

19-03-2019 – Platform for Change – Women in Transport – Brussels

As a member of the Platform for Change, FEPOR participated to the meeting of Women in Transport that took place on the 19th of March.

Launched on 27 November 2017, this Platform aims to boost women's employment in the transport sector and to encourage equal opportunities for women and men. The Platform allows its members to discuss and exchange about good practices.

During the meeting, some members' actions such as Ferrovie dello Stato's in Italy and Aviadoras' in Spain were presented. There was also a discussion regarding the possibility to appoint a Platform Ambassador to encourage more action in the transport sector as a whole.

Gender-based violence and different types of harassment are unfortunately still on the agenda and call for action from all industries of the transport sector.

20-03-2019 – European Shippers' Council Maritime Day – Rotterdam



On March 20th, 2019, FEPOR Secretary General, Ms Lamia Kerdjoudj-Belkaid, was invited to participate to the European Shippers' Forum "Maritime Day" hosted by the Port of Rotterdam.

The program of the day included presentations from the Port of Rotterdam on digitalization and environmental friendly measures and offered the opportunity to a number of speakers to participate to two roundtables.

In his key note speech about "Current Antitrust Legislation, Developments and Milestones Ahead", Mr Itai Rabinovici, Case handler at the DG COMP, evoked the review of the Consortia BER and explained that the Commission is listening to all views and collecting data and evidence to make its decision which can be either a repeal or a modification of the Regulation.

The first roundtable echoed the topics evoked by Mr Rabinovici and also concerned the ways and means to improve transparency within the logistics chain.

Mr Stijn Rubens, Drewry Senior Consultant and Mr Bart Kuipers, Port Economist, Erasmus University Rotterdam provided some "food for thought" regarding the criticisms that are expressed by the different actors of the chain against each other while FEPOR Secretary General and Mr Jurgen Vice Chairman of the Belgian Shippers' Council (OTM) shared their views on how transparency can be improved and what will the role of digitalization in this respect.

Mr Lodewijk Wisse from the Royal Association of Netherlands Shipowners KVNR explained why the Consortia Regulation is important for the shipping lines.

26-03-2019 – Digital Inland Navigation – Brussels

On 26 March, FEPORT participated in the DINA (Digital Inland Navigation) Expert Group meeting. DINA was established by the European Commission to support the Commission in the development and implementation of policy initiatives to promote the digitalization of inland waterway transport including its interconnection with other transport modes. The expert group also supports the Commission in revising of the 'RIS Directive' (2005/44/EC).



The meeting focused on the state of play of digital initiatives in inland waterways and cooperation between DINA and the DTLF (Digital Transport and Logistics Forum). The meeting also focused on future priorities for the European Commission to assist in the digitalization of inland waterway transportation.

FEPORT stressed the need for a coordinated approach between all modes of transport. In this regard, FEPORT has highlighted the crucial role of the Digital Transport and Logistics Forum in linking the various initiatives within the transport and logistics industry, including the work within DINA.

FEPORT meetings

11.04.2019	Board of Directors – Brussels
21.05.2019	Social Affairs Committee – Paris
23.05.2019	Environment, Safety & Security Committee – Brussels
12.06.2019	Customs & Logistics Committee – Brussels
13-14.06.2019	General Assembly – Burgas – Bulgaria
20.06.2019	Port Policy Committee - Brussels

19.09.2019	Board of Directors – Brussels
30.09.2019	Social Affairs Committee – Brussels
01.10.2019	Environment, Safety & Security Committee – Brussels
24.10.2019	Port Policy Committee – Brussels
06.11.2019	Customs & Logistics Committee – Brussels
14.11.2019	Board of Directors – Brussels
27.11.2019	General Assembly – Brussels
28.11.2019	Fifth Annual Stakeholders Conference – Brussels

Other meetings

05.04.2019	EMPLO Seminal – Antwerp
08.04.2019	Sustainable Ports Sub Group – Port Forum – Brussels
09.04.2019	TCG Plenary – Brussels
10.04.2019	Conference Competition Law Challenges in the Shipping Sector – Brussels
12.04.2019	DTLF – Subgroup 2 – Brussels
13-14.05.2019	IMO MEPC Meeting – London
22-24.05.2019	ESPO Conference – Livorno
22-24.05.2019	ITF OECD Summit - Leipzig
12-13.06.2019	European Environmental Ports Conference 2019 – Antwerp
12.06.2019	Social Dialogue for Ports Meeting – Brussels
18-20.06.2019	TOC Conference – Rotterdam

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