



The Federation of European Private Port Companies and Terminals



## *Newsletter – February 2020*

### **About fair treatment**

The review of the Consortia BER has lasted two years and involved many stakeholders who expressed their views in the framework of the consultations launched by the European Commission.

Arguments in favour and against the prolongation of the Consortia BER have been exposed by the different parties and a lot has been said by observers and journalists.

Then came the moment when the Commission published its Staff Working document and provoked a big disappointment among all those who were waiting for a fact-based document justifying the Decision. This latter does unfortunately not reflect at all the reality of the evolution of the maritime sector over the last ten years and, more importantly, does not answer crucial questions raised by those who are in favour of a modification of the Consortia BER.

All below associations still believe that any EU Commission decision should be grounded on strong facts and data and embody principles of fair treatment.

We therefore remain confident that the final decision on the Consortia BER will be more balanced.



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 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.

We call on the Commission to provide answers to the questions we have raised in the framework of the last consultation and which are of primary importance for our respective members.

## 03.02.2020 – EMSWe Interfaces Thematic Team meeting – Brussels

On the 10<sup>th</sup> of February, FEPORT participated in the second meeting of the EMSWe Interfaces Thematic team at Centre Albert Borschette.

The purpose of the Interface Thematic Team meetings is to discuss how the IT architecture and individual components of the EMSW environment should look like.

The team among others discussed the common functionalities of the Graphical User Interface (GUI), where declarants under EMSWe can submit the data they are obliged to in accordance with the Annex of the EMSWe regulation. Declarants can among others upload this data through spreadsheets. The idea is to also define harmonized spreadsheets, that can be used to upload data through the GUI.

FEPORT strives for the inclusion of all relevant data elements in the dataset and is in favour of enabling all data elements to be submitted through the Graphical User Interface and the harmonized spreadsheets.

## 03-04.02.2020 – Euromaritime – Marseille

From the 4<sup>th</sup> to the 6<sup>th</sup> of February 2020, Euromaritime - the Euro-Mediterranean exhibition for Blue Growth – gathered more than 200 businesses from 15 countries representing naval Construction and repair, maritime transport, port industries and marine technologies of the future (energy, environment).

Euromaritime is an international exhibition organised by the OUEST-FRANCE group in association with GICAN (French Marine Industry Group) under the patronage of the French Minister for Ecological Transition and Solidarity, and in partnership with the General Secretariat for the Sea, French regional authorities and a large number of maritime businesses and organisations.



FEPORT Secretary General was invited to have an exchange of views on stage with MEP Catherine Chabaud about the European Green Deal. She reiterated key messages. The success of the Green Deal will depend on the financial instruments that will be mobilized to support innovation and



the implementation of the proposed actions, for instance in ports. Among others, the role of the EIB will be essential and FEPORT members are looking forward to knowing more about the “renewed sustainable finance strategy”.

Another factor determining the Green Deal’s success will be the EU’s ability to play a leadership role in convincing non-EU countries to engage in the same direction to avoid any status quo that would be detrimental to the environment and the planet. It is

therefore a good signal that the Commission seeks to enhance its “green deal diplomacy” and aims at convincing other countries to promote sustainable development as well.

It will also be crucial for the EU to ensure that the Green Deal enables EU industries to gain more competitiveness while becoming more sustainable. In this regard, FEPOR members welcome that the Green Deal is referred to as a “new growth strategy” and that the importance for the EU to maintain its competitive advantage will remain a key priority.

## **11.02.2020 - Joint Press Release - 15 organizations from the transport sector call for a bold and realistic European Green Deal**



The Communication on the European Green Deal sets very ambitious objectives for the EU and sends a strong message to the rest of the world regarding Europe’s ambition to reduce emissions by at least 50% by 2030 and to transform its economy to become carbon-neutral by 2050.

The European supporting associations shown above (hereafter ‘the associations’) representing logistics service providers, seaport and inland port authorities, shippers, inland waterways, combined transport operators, rail freight operators, port operators and terminal operators, marine equipment manufacturers and shipyards welcome the Green Deal and believe that it can be an opportunity for Europe, particularly if it enables EU industries to benefit from a “new growth strategy” that will boost their competitiveness while becoming more sustainable. Such an ambition should be achieved while preserving a level playing field with other regions of the world.

The EU transport sector must continue to be a key enabler of sustainable trade and economic growth. It should therefore be supported in its effort to face the energy transition and remain a key priority for policy makers and Member States.

The success of the Green Deal will depend on the regulatory framework and financial instruments that will be mobilized to support innovation and the implementation of the proposed actions.

Legal certainty for private investments as well as a financial stimulation of “first movers” will be an important cornerstone for the ultimate success of the Green Deal.

Equally important for becoming successful is the mindset that will lead all stakeholders to focus on a better integrated transport system rather than on stand-alone transport modes and other logistic services.

Another factor determining the Green Deal’s success will be the EU’s ability to play a leadership role in convincing non-EU countries to engage in the same direction. The associations therefore welcome the Commission’s efforts to enhance its “green deal diplomacy” and to convince other governments to set bold climate targets thus guaranteeing a level playing field.

### **Achieving a carbon neutral transport sector**

The associations appreciate that the Communication will serve as a basis for the longer-term strategy to achieve a carbon neutral transport sector. The strategy should equally define the schedule of the net zero-emission target and the measures required at the EU level to provide legal certainty for private investment.

Achieving the reductions in transport can be divided into replacing fossil fuels with alternative fuels, alternative propulsion systems, improving the energy efficiency of the transport means (vehicles, vessels) and boosting the energy efficiency of the entire transport system. This should be done without compromising industry standards with respect to health and safety.

Reference can be made here to WATERBORNE (European Technology Platform) and similar initiatives such as ETP-ALICE which recommends necessary measures for an overarching view on logistics and supply chain planning and control, in which shippers and logistics service providers closely collaborate to reach efficient logistics and supply chain operations.

### **Unleashing the potential of multimodal transport to reduce GHG emissions**

The Green Deal should be used as an opportunity to agree upon a legal framework that promotes a sustainable combination of all transport modes, taking the strengths and limitations inherent to each mode of transport into account. Combining rail, road, short sea shipping, inland waterways and air transport in a smart and efficient way will enable the further reduction of negative externalities.

This is crucial given that supply chain management, starting from an end to end perspective, whereby managers of both manufacturers and service providers try to find a balance between the use of different transport modes , warehousing and inventory level in order to satisfy their own objectives and the service levels required by their customers, eventually leads to cost optimisation and to GHG-emissions. In the same line of thinking, non-technological initiatives to decarbonise, such as multimodality should be encouraged in the perspective of end to end supply chains.

A comprehensive strategy for sustainable and smart mobility should look to revise key legal texts such as the TEN-T Regulation, the Rail Freight Corridor Regulation, the Combined Transport Directive, and the Eurovignette Directive. Achieving sustainable freight transportation should be part of any comprehensive strategy that the European Commission will propose to deliver the goals of the Green Deal in the field of transportation.

Furthermore, eliminating administrative and regulatory burdens hampering an efficient use of transport modes or negatively influencing the choice for a certain mode of transport will also be important to achieve a reduction of adverse impacts.

Several modes of transport are still confronted to cumbersome customs procedures. New technologies can also be used to provide the same or even better levels of safety and security while simplifying – or even totally removing – current bureaucracy.

The transformation of unimodal road haulage into multimodal transport-chains is seen as essential to achieve the European Green Deal's objectives. Successful multimodality will require legislative changes to the key legal texts mentioned earlier.

### **Providing legal certainty to early movers**

Industry will need support with tailored and easily accessible programmes to achieve as quickly as possible the targets for emission reductions and carbon-neutrality.

Specifying as well as maintaining deadlines and targets for emission reductions and carbon-neutrality are key to creating the much-needed predictability, and to securing a long-term direction for continuing investments. This will equally be important to encourage early movers.

Furthermore, as the transport sector prepares for technical advancements and innovation in line with international and/or EU policy, legal certainty and predictability, including for early movers, must be guaranteed both at the international level and/or at EU level. This is a necessary condition to underpin and stimulate investments to achieve the targeted reductions.

### **Mobilizing funding for research and dissemination of innovative solutions**

To achieve the goals of the Green Deal, significant investments in research and development of innovative technologies will be key. Even more important will be the need for funding for the deployment of these innovative technologies aiming at making all modes of transport greener and energy-efficient, clean and safe.

There is an urgent need to unlock funding and to propose smart regulations which can provide real added value for the entire logistics chain. At the same time, the opportunity should be taken to make the different sources of funding more aligned, more transparent and more accessible for all the different parties in the transport system. The “administrative obstacle race” is still discouraging many stakeholders who wish to apply for funding.

Last but not least, the time between project calls, granting projects and presenting end results should be shortened. Currently the duration of projects is far too long compared with the speed of the climate changes.

An appropriate CEF transport budget and an innovation fund, which echo the role of transport in achieving the Green Deal's objectives, will be crucial for its implementation, the dissemination of successful stories and the replication of innovative projects and solutions in the EU.

### **Ensuring a neutral approach when supporting innovation**

The development and uptake of new technologies will be imperative to achieve the European Green Deal ambitions and targets. Given the wide range of possibilities and technologies being explored as well as the diversity and complexity of transport modes, it is important to have a policy and regulatory framework in place that promotes innovation in a technologically neutral

way, and helps in sharing knowledge as well as the financial and operational risks of the development and deployment of new technologies. European partnerships in this respect are and will remain key.

In order to ensure an effective and sustainable transition to a carbon neutral transport sector by 2050, all technological options as well as (alternative) fuels should be explored and allowed to compete for reducing emissions across the different transport modes.

Prescriptive approaches in terms of technologies or solutions could have the opposite effect. At the same time, a holistic approach to technological innovations, alternative fuels and transport infrastructure across modes of transport will also be key since the choices for one mode of transport may have an impact on other modes of transport.

The supporting associations shown above look forward to working closely with the European Commission on a comprehensive strategy on sustainable and smart mobility along the principles addressed above to secure a healthy, sustainable and competitive transport sector.

## **11.02.2020 – European Rail Facilities Portal Technical Control Board meeting – Brussels**

On the 11<sup>th</sup> of February, FEPOR attended the meeting of the European Rail Facilities Portal Technical Control Board.

During the discussion regarding Board members' expectations of the European Rail Facilities Portal, it was pointed out that port operators expressed concerns in regard to the duplication of work, as they already publish a lot of information on their port websites, in compliance with the Commission Implementing Regulation (EU) 2017/2177.

## **11.02.2020 – EMSWe Data Thematic Team – Brussels**

On the 11<sup>th</sup> of February, FEPOR attended the second meeting of the EMSWe data thematic team.

The European Maritime Single Window environment regulation, which entered into force in July 2019, contains a list of reporting obligations, spelling out in general which information needs to be provided during port calls. Now, the European Commission seeks to adopt an implementing regulation, laying down the EMSWe dataset with a more detailed description of data elements to be reported during port calls. Information in this dataset will among others be related to customs, but also to the safety of port workers when they conduct loading and unloading activities on board of bulk carriers.

To inform the establishment of the EMSWe dataset, DG MOVE commissioned a study to KPMG to describe the business processes behind the reporting obligations laid down in the annex to the EMSWe regulation. In that regard, workshops with industry representatives, among which FEPOR, were held in January. The study was also briefly discussed during the meeting.

## 18.02.2020 – ENMC stakeholder meeting – Brussels

On February 18<sup>th</sup>, 2020, as part of the Shipping events, the European Network of Maritime Clusters held its bi-annual stakeholder meeting. The meeting has been opened by Commissioner Sinkevicius who gave a keynote speech, Marjolein van Noort, ENMC Coordinator, moderated the exchanges.

Most maritime associations as well as ENMC members were present while some members of the European Commission and European Parliament also participated to the exchanges.



The discussions offered an opportunity to evoke the challenges and opportunities for the European maritime sector and to highlight what should be the key priorities for ENMC in 2020.

It was announced that ENMC would seek to collect data to illustrate the strength of the maritime clusters and

Arjen Uytendaal, Chairman of the ENMC reiterated the importance of the cooperation between ENMC and European maritime organizations in Brussels.

## 19.02.2020 – Social Dialogue for Ports Committee Meeting – Brussels

On February 19<sup>th</sup>, members of the European Social Dialogue for Ports Committee met in Brussels to discuss different topics on the agenda.

The first point on the Agenda concerned a discussion on the basis of the presentation provided by Professor Tiago Fonseca, from the World Maritime University (WMU).

Pr. Fonseca highlighted the main findings of the International Transport Workers' Federation (ITF) and the WMU flagship report *"Transport 2040: Automation Technology Employment - the Future of Work"*.



He explained that automation in ports is still at an early stage of its development and that port digitalisation will reach its full maturity in 20 years. Reskilling and upskilling will be key for competitiveness. Studies to identify the competencies needed in the future should be undertaken to enable a successful implementation of advanced automation and technologies in the transport sector.

Mrs Janja Čevriz, from DG COMP, provided an update about the policy initiative for the prolongation of the Consortia BER.

The European Commission proposed to extend without modification the Consortia Block Exemption Regulation (BER), granting the exemption for 4 years as from April 2020.

The last consultation, which closed on January 3<sup>rd</sup>, 2020, was answered by 24 participants. As explained by Mrs Čevriz, the majority of views were critical of the proposal to extend the Consortia BER without modification. The Commission is currently consulting Member States' Competition Authorities through the Advisory Committee's portal and is analysing the responses. A final decision on the Consortia BER is expected end of March 2020.



Mr Olaf Merk was invited to present the ITF OECD Report *“Maritime Subsidies: Do They Provide Value for Money?”*. According to Mr Merk, there is a lack of systematic monitoring of maritime subsidies, with some notable exceptions (e.g. Sweden). The Maritime State Aid guidelines should be an instrument to guide and harmonise practices among Member States and this is not the case as there have been too many individual decisions which have introduced important changes impacting other actors of the maritime logistics chain.

Port terminal operations, for instance, are now in the scope of eligibility of the tonnage tax in ten countries. And this happened without a possibility for stakeholders to express their views in the framework of an open and transparent consultation.

After listening to Mr Merk's presentation, Social partners agreed on some initiatives towards the EU Commission and MEPs.

Social partners resumed their discussions on the 2020-2023 work programme. Health and safety (fumigation, accidents, safety on board) as well as skills and training will be among the key priorities.

## **19.02.2020 – 56th TCG plenary meeting – Brussels**

On the 19<sup>th</sup> of February, FEPORT attended the 56<sup>th</sup> plenary meeting of the Trade Contact Group.

One of the agenda items was the customs in the EU 2040 project. This project aims at developing foresight scenarios regarding customs in the future and what this means for policymaking today. Another goal is to generate a vision for customs in 2040.

The TCG also got updated about the Carbon Border Adjustment Mechanism, which the Commission might propose in 2021 provided that no progress is made in the EU's efforts to encourage the rest of the world to set bold climate targets as well. Different models for a Carbon

Border Adjustment Mechanism are still being discussed, while taking into account the need to be compatible with WTO rules.

Finally, an update on the implementation of the Union Customs Code was provided, focusing on amendments to the UCC delegated act.

## **19.02.2020 – World Shipping Council Workshop – Brussels**

On the 19<sup>th</sup> of February, FEPORT was invited to attend a workshop organized by the World Shipping Council “*From targets to transition: developing pathways to Zero-emission vessels*”.

Part of this workshop was dedicated to discussing R&D opportunities the shipping sector could seize to move forward the decarbonization of shipping. Ms Beatriz Yordi, Director European and International Carbon Markets at DG CLIMA, gave a presentation about EU funding opportunities.



Mr Tim Scarborough from Ricardo Consultancy and Mr Dagmar Nielsen from CE Delft provided an outlook on the R&D path towards zero-emission shipping.

During the panel discussion, representatives from Hapag Lloyd, Maersk Line, Mediterranean Shipping Company and CMA-CGM provided the perspective of four major shipping lines on the steps needed to achieve the IMO emission reduction targets for 2050.

## **27.02.2020 – Potential impact of COVID-19 on EU industry**

On the 27<sup>th</sup> of February, the Commission shared with the Council its first assessment, [“The impact of COVID-19 on EU industry”](#), of the potential impact of the COVID-19 outbreak on EU industry. The Commission drew member states' attention to the importance of sharing all critical information and coordinating any measures taken at EU level.

Since the Coronavirus ‘COVID-19’ was identified in China at the end of 2019, the European Commission has been closely coordinating with EU Member States to ensure a coherent EU-wide response and minimal impact on EU citizens.

Under the leadership of Commissioner Stella Kyriakides and Commissioner Janez Lenarčič, the European Commission is working on all fronts to support efforts to tackle the COVID-19 outbreak. As part of the ongoing assessment of the situation, the European Commission has started to examine the impact on EU industries, assessing the likelihood and the magnitude of possible disruptions in the supply chains and overall decreases in global demand.

The economic impact of the COVID-19 will obviously depend on the duration and extent of the contagion. However, the international spread of the virus is a key downside risk for the growth of the EU economy. The related uncertainty can have significant consequences for EU industry and services as more and more companies are reporting that their supply chains and/or earnings are going to be impacted.

Given this first assessment of the situation for EU industries, the Commission believes that the sharing of information, common assessment of the situation and coordination of urgent measures at EU and national levels are critical.

## **FEPOR meetings**

<b>18.03.2020</b>	Customs and Logistics Committee – Brussels – P.M
<b>01.04.2020</b>	Port Policy Committee – Brussels – P.M.
<b>02.04.2020</b>	Environment, Safety and Security Committee – Brussels – P.M.
<b>08.04.2020</b>	Social Affairs Committee – Brussels – P.M
<b>16.04.2020</b>	Board of Directors – Brussels – A.M
<b>07.05.2020</b>	Customs and Logistics Committee – Brussels – P.M
<b>04-05.06.2020</b>	General Assembly – Hamburg
<b>02.09.2020</b>	Port Policy Committee – Brussels – P.M
<b>09.09.2020</b>	Social Affairs Committee – Brussels – P.M
<b>10.09.2020</b>	Environment, Safety and Security Committee – Brussels – P.M
<b>17.09.2020</b>	Board of Directors – Brussels – A.M
<b>21.10.2020</b>	Customs and Logistics Committee – Brussels – P.M
<b>04.11.2020</b>	Port Policy Committee – Brussels – P.M
<b>05.11.2020</b>	Environment, Safety and Security Committee – Brussels – P.M
<b>12.11.2020</b>	Social Affairs Committee – Brussels – P.M
<b>18.11.2020</b>	Board of Directors – Brussels – A.M
<b>TBC</b>	FEPOR Sixth Annual Stakeholders' Conference – Brussels

## **Institutional meetings**

<b>05.03.2020</b>	ENVI Committee Meeting – Brussels
<b>16-17.03.2020</b>	TRAN Committee Meeting – Brussels
<b>16-17.03.2020</b>	EMPL Committee Meeting – Brussels
<b>18-19.03.2020</b>	ENVI Committee Meeting – Brussels
<b>26.03.2020</b>	EMPL Committee Meeting – Brussels
<b>15.04.2020</b>	EMPL Committee Meeting – Brussels
<b>15-16.04.2020</b>	ENVI Committee Meeting – Brussels
<b>21.04.2020</b>	TRAN Committee Meeting – Brussels
<b>27-28.04.2020</b>	ENVI Committee Meeting – Brussels
<b>29-30.04.2020</b>	TRAN Committee Meeting – Brussels

**29-30.04.2020** EMPL Committee Meeting – Brussels

## **Other meetings**

**03.03.2020** Port Forum Meeting – Brussels

**05.03.2020** 57th Meeting of the Stakeholders Advisory Group on Maritime Security – Lisbon

**10-11.03.2020** High Level Ministerial Maritime Conference – Opatija, Croatia

**11.03.2020** Import and Export Formalities Section of the Customs Expert Group – Brussels

**12.03.2020** TIC 4.0 Plenary Meeting – London

**12-13.03.2020** Porto Seminar – Porto

**24-25.03.2020** Green Maritime Forum – Hamburg

**25.03.2020** EBU Inland Waterway Transport Event – Brussels

**29-31.03.2020** IMO International Maritime Law Institute – Malta

**18-20.05.2020** ITS Europe Congress 2020 – Lisbon

**24.06.2020** European Environmental Ports Conference – Rotterdam

*Copyright © 2020 FEPORT, All rights reserved.*

**FEPORT**  
Avenue des Arts 3-5, 1210 Brussels, Belgium