



The Federation of European Private Port Companies and Terminals



Newsletter – April 2020

Our heartfelt thoughts go to the COVID 19 victims in the transport sector and beyond as well as to their families.

On the occasion of the International Workers' Day, our grateful recognition and warm thanks to all those who on shore, at sea, in warehouses, on docks, in trucks, on ships, in locomotives, in airports, hospitals and supermarkets and in all other sectors are every day on duty to ensure the security of supplies to all EU citizens.

Before talking about recovery, relief is needed...

Since the outbreak of the COVID-19 epidemic, all sectors of the supply chain have shown a significant resilience to face the crisis and to ensure the continuity of work.

Most of the companies have reorganized themselves and adopted sanitary measures to ensure a safe environment for workers. The good news is that up to now most of the supermarkets and hospitals have been delivered with goods and equipment and shortages have been limited to products which are highly demanded at global level.

However, due to the lockdown, many companies are facing important difficulties and it is anticipated that the COVID-19 crisis economic consequences will be tremendous.

In the maritime logistics sector for instance, blank sailings and lockdowns which had a delayed impact on EU ports in March and April will, in May and in the coming months, heavily weigh on the results of port companies and terminals.

It is therefore crucial that relief measures concern all critical segments of the supply and logistics chains and more particularly port companies. Seaport terminals are mobilized since weeks to ensure business continuity and safeguard employment in spite of the numerous blank sailings.

We call on EU institutions in particular the Council and MEPs who are going to discuss the **package** of measures that aims at providing relief to the transport sector (aviation, rail, maritime, inland navigation and road sectors) by solving practical problems, removing administrative burdens, and increasing flexibility, to grant careful attention to those who are discharging cargo in all European ports, i.e. more than 1200 port companies employing more than 390 000 EU port workers.

European port companies and terminals should benefit from the same relief that is granted to other port users. This is a matter of equality of treatment and recognition for the role played by those companies which even, in the most difficult conditions, ensure that cargo is moved from ships to be loaded on other modes of transport.

FEPOR members also call on EU institutions to act with caution with respect to the restoration of normal activities and procedures in the transport sector. Indeed, the port sector is very sensitive to the fluidity of the cargo flows within the supply and logistics chain and to the checks at the Member States' borders. Green Lanes are certainly contributing to lower the pressure at this moment. Therefore, while we do understand the wish to lift all derogations to normal rules and procedures for circulation, checks, transfers, etc..., it is important to grant sufficient time to logistics chains to adapt and recover.

When it comes to recovery plans, we look forward to having an inclusive and transparent discussion with EU institutions and all other stakeholders of the maritime logistics chains as we cannot imagine that after this COVID-19 crisis, some sectors of the maritime cluster deserve more attention than others.

23.03.2020 – Commission presents Green Lanes

On the 16th of March, the European Commission already presented Guidelines for border measures in order to protect health and avoid the disruption of the transport of essential goods or the provision of essential services. Member States were encouraged to designate priority lanes, so called *Green Lanes*, for freight transport.

Monday the 23rd of March, the European Commission issued a communication on the implementation on these green lanes for freight transport, which also contains relevant provisions for port and terminal operations.

For example, it is recommended that measures are taken to deliver enhanced hygiene in ports, priority staff should be designated, and measures shall be taken to ensure disinfection. In Annex II of the communication, recommendations can be found to ensure the safety of transport workers.

Moreover, due to their role in ensuring the continuous flows of essential goods (e.g. food, medicines, personal protective equipment), transport workers are recognized as priority groups in the distribution of personal protection equipment such as disinfection products and gloves.

30.03.2020 – Renew Europe Group calls for a maritime rescue and recovery action plan

On the 30th of March 2020, the Renew Europe Group MEPs who are members of the TRAN Parliamentary Committee have sent a letter to Commissioners Valean and Vestager soliciting prompt actions to ensure the continuity of seaborne trade to, from and within the EU and to guarantee the health and safety of maritime transport workers.

Among others, the Renew MEPs are asking for a **maritime rescue and recovery action plan** and, in particular, calling on the two Commissioners to take the following initiatives:

On sea and inland ports:

- to recognise the **critical and essential role ports are playing** in the supply of essential goods and equipment and give adequate support where needed;
- to actively **support all workers in the port, industry and logistics sector** for their active contribution in overcoming this crisis;
- to ensure that **goods coming in and out European seaports can smoothly reach the hinterland** through an effective implementation and monitoring of the “Green Lanes” and monitoring of the continuity of road, rail and inland waterway services;
- to **recognise the framework set up in European ports** to protect the workers and critical staff in ports and ensure that ports can have access to the material needed to ensure this protection;
- to effectively **coordinate national crisis measures directed at ports** and to give adequate support where needed, in order to maintain their roles and contributions,

without imposing unnecessary restrictions causing disruptions to the supply chains, taking into account that ports function as external borders of EU Member States;

- to **ensure sufficient trucking/towing capacity**, including drivers, in ports to guard against disruptions in the flow of essential goods, and to safeguard against congestion, in this regard rail-capacity and inland waterways can also be brought into use;
- to ensure, in coordination with national governments, that dock workers, as well as all other workers that are of vital importance to port operations and the logistics chain, are **well supplied with protective equipment**;
- to **ensure that sufficient personnel for port related operations is available** by declaring not only port traffic management and shipping as vital processes, but also transshipment and hinterland transport (including but not limited to: nautical service providers, terminals, logistics (drivers, skippers), distribution centres and employees) in planning departments and Process Control;
- furthermore, to ensure that the staff working in ports can access the port notwithstanding the confinement measures, and to give them priority in case they have to pass a border control.

30.03.2020 – DG TAXUD issues Guidance on customs procedures during the COVID-19 pandemic

On the 30th of March, DG TAXUD has issued a **Guidance on customs procedures during the COVID-19 pandemic**. The guidance lists a number of provisions from the UCC and related delegated and implementing acts that can be used as solutions to cope with problems arising from the corona crisis. The note is meant as a living document, that can be amended or supplemented, in view of the rapidly evolving situation. Most importantly, the note provides guidance on the following issues:

Customs decisions

Although it is underlined that customs authorities are not legally entitled to refuse applications for customs decisions that meet the legal requirements, **economic operators are strongly encouraged to only apply for essential customs decisions**, so customs authorities are able to prioritize the most urgent demands. **Moreover, based on the last subparagraph of Article 22(3) UCC, a derogation from the 120 day general time limit to take customs decisions can be made.**

Through this provision, the time-limit to take a decision can be extended upon request of the applicant, in case the applicant needs more time to fulfill the relevant conditions and criteria. Such a situation can arise, for example, when the applicant is not able to allow customs to enter his premises due to the quarantine measures.

Customs debts and guarantees

Although no general exemption is provided for in the guidance, the document does list a number of provisions customs authorities can use to take into account any possible *“serious economic or*

social difficulties” of the debtor. However, it is the debtor himself who needs to document the likelihood of such economic and social difficulties, for example:

- Article 45(2) and (3) UCC allow customs to suspend the implementation of a customs decision, even without a guarantee, if it is established on the basis of a documented assessment that such a guarantee would be likely to cause the debtor economic and social difficulties;
- Article 112(1) and (3) UCC provides that customs authorities may refrain from requiring a guarantee or charging credit interest if it is established on the basis of a documented assessment that this would create serious economic or social difficulties;
- The Commission is currently taking actions to make the temporary admission of items for disaster victims of the COVID-19 crisis free of customs duties and VAT, thereby de facto also waiving the guarantee requirement for these particular goods;
- Under normal circumstances, a customs debt occurs if the time limit of 90 days for temporary storage of goods is exceeded. This time limit cannot be prolonged without amending the UCC. However, in case an economic operator is not able to place the goods under a customs procedure or to re-export them within the 90 days’ time-limit, he can evoke force majeure.

02.04.2020 - DG MOVE sets up expert group on the inland transport of dangerous goods

DG MOVE has set up an [expert group](#) on the inland transport of dangerous goods, and calls for experts who can apply until the 8th of May.

This expert group will assist the Commission in the preparation of delegated acts with the aim of adapting the annexes of Directive 2008/68/EC on the inland transport of dangerous goods, Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by roads, and Directive 2010/35/EU on transportable pressure equipment.

Directive 2008/68/EC transposes the ADR/RID agreements on the International Carriage of Dangerous goods by respectively road and rail into EU law.

The group can also address issues of implementation of the above-mentioned Directives, including Directive 2008/68/EC.

The group will have up to 70 members, consisting of:

- Member States’ authorities;
- Other public entities, e.g. Union bodies, international organizations responsible for the inland transport of dangerous goods;
- Organizations such as trade associations, companies, NGOs and trade unions.

03.04.2020 – Commission extends State Aid Temporary Framework

On the 3rd of April, the European Commission adopted an amendment extending the [Temporary Framework adopted on 19 March 2020](#) to enable Member States to accelerate the research, testing and production of coronavirus relevant products, to protect jobs and to further support the economy in the context of the coronavirus outbreak.

The Commission adopted the new State aid [Temporary Framework](#) to support the economy in the context of the coronavirus outbreak, based on Article 107(3)(b) of the Treaty on the Functioning of the European Union. The Temporary Framework recognises that the entire EU economy is experiencing a serious disturbance. It enables Member States to use the full flexibility foreseen under State aid rules to support the economy, while limiting negative consequences to the level playing field in the Single Market.

The amendment extends the Temporary Framework by providing for five additional types of aid measures:

1. Support for coronavirus related research and development.
2. Support for the construction and upscaling of testing facilities.
3. Support for the production of products relevant to tackle the coronavirus outbreak.
4. Targeted support in the form of deferral of tax payments and/or suspensions of social security contributions.
5. Targeted support in the form of wage subsidies for employees.

09.04.2020 – Commission proposes to further expand State Aid Temporary Framework to recapitalisation measures

On the 9th of April, the European Commission proposed to further extend the scope of the [State aid Temporary Framework](#) adopted on 19 March 2020 and is consulting Member States.

First amended on the 3rd of April, the Commission is now proposing to extend further the scope of the Temporary Framework by enabling Member States to provide recapitalisations to companies in need, thereby providing public support in the form of equity or hybrid capital instruments to these severely affected companies. The proposed broadening of the scope of the Temporary Framework to aid in the form of recapitalisations complements the possibility of Member States to purchase existing shares of companies at market price or *pari passu* with private shareholders, which in principle falls outside the scope of EU State aid control.

This can in particular be important for interventions by Member States **to prevent hostile takeovers of strategic companies by foreign purchasers**. It therefore complements the tools available to Member States as set out in the Commission's guidelines to ensure a strong EU-wide approach to foreign investment screening in a time of public health crisis and related economic vulnerability.

This type of public support should remain a last resort measure as it could significantly impact competition in the Single Market. These measures will be subjected to clear conditions as regards

the State's entry, remuneration and exit from the companies concerned, strict governance provisions and appropriate measures to limit potential distortions of competition.

Member States now have the possibility to comment on the Commission's draft proposal. The Commission aims to have the amended Temporary Framework in place by next week.

16.04.2020 – Survey on automation and digitalisation in transport, focusing on the labour force

DG MOVE has contracted Ecorys in consortium with the Hellenic Institute of Transport (H.I.T.) to carry out a *Study on the social dimension of the transition towards automation and digitalisation in transport*, focusing on the labour force.

This study aims to collect existing measures and policy recommendations to accompany the transition and address the challenges brought by automation and digitalisation for the transport labour force.

In order to understand how the transition can be smoothened, a survey has been released to collect inputs from relevant stakeholders: European, national and regional organisations; Employers and Workers.

The findings from this survey will **feed into policy recommendations** with the aim to develop an approach **to manage the transition towards automation and digitalisation for the labour force** in transport. The results of the study will support informed decision-making and action by the European Commission.

17.04.2020 – DG TRADE conducts analysis of impact Covid-19 pandemic on global trade

On the 17th of April, DG TRADE has published the results of their in-house analysis regarding the expected reduction of international trade as a consequence of the COVID-19 outbreak.

DG TRADE used the predicted GDP reductions caused by the COVID crisis to estimate the impact on global trade. They acknowledge that – since the Covid-19 crisis is of an unprecedented nature and very volatile – their results are subject to a high degree of uncertainty.

DG Trade estimates that in 2020, global trade will decrease by 9.7%. In Europe, extra-EU exports will see a reduction of 9.2%, while imports from outside the EU will fall by 8.8%. In absolute terms, this amounts to a decline in exports of EUR 280 billion and extra-EU imports will shrink by EUR 240 billion.

Given the current uncertainty surrounding COVID-19 and its economic consequences, DG TRADE will publish new Trade Projections in May.

17.04.2020 – ESPO and FEPORT urge Member States to enable crew changes in all ports



Ever since the beginning of the COVID-19 crisis, all European ports have been fully operational and continue to do everything they can to fulfil their essential role in the supply chain and provide citizens, health services and businesses in Europe with the products and material they need.

To ensure the continuity of the supply chain, **European ports rely on the smooth functioning and mobilisation of all port stakeholders and on the availability and engagement of many transport workers, both on shore and at sea.**

The possibility for ship crews to embark on a ship, to return home or be repositioned after a long period at sea is a priority in that respect. However, it is essential for the functioning of European logistics chains that Member States should facilitate crew changes in **all** of their seaports. It is essential that Member States work in coordination to facilitate the movement of crew and seafarers across land borders, for example to reach a repatriation flight at an airport in a neighbouring country. Neither technically nor economically is it feasible to restrict crew changes to only a select group of main ports.

ESPO and FEPORT welcome in that respect the recently adopted **Commission's Green Lanes concept** with its exemptions for transport workers to cross borders. ESPO and FEPORT call on Member States to properly apply these guidelines and **make use of the Green Lane border crossings concept, so that movements of ship crews and seafarers who need to embark on a vessel or return home can be facilitated and happen as smoothly as possible.** Shipping lines should also liaise with Member States and airports in order to ensure that the necessary flights home for the ship crews can be arranged, both within the EU and to third countries.

While fully recognising the Commission's efforts to ensure the continuity of maritime transport and the wellbeing of everyone involved in these operations, **European ports oppose the Commission proposal requesting Member States to designate specific ports where crew changes are possible.** Port calls are planned as part of a complex logistics chain and hinterland distribution. For instance, it is neither possible nor desirable to redirect an ore carrier to a ferry port simply to make a crew change. In addition, berths in all ports will be needed to accommodate laid-up vessels, which in turn also require the possibility of disembarking and embarking crew.

"Today ALL European ports are really doing their utmost to remain operational and play their role as critical nodes in the supply chain and they continue to be engines of growth for their region. A top-down selection of certain ports for the purpose of crew changes might have serious impacts on some ports and port businesses and may unnecessarily disrupt a supply chain which is already under pressure. If crew changes and transfers can be facilitated from and to one port in the country, they can be facilitated in all ports. This issue should be solved as quickly as possible, but must not lead to a top-down reshuffle of port calls in Europe. The Green Lanes concept, combined with a better

coordination between Member States is the most effective solution”, comments Isabelle Ryckbost, Secretary General ESPO.

“All port stakeholders, including terminal operators have shown high level of professionalism and dedication in ensuring work continuity in safe and healthy conditions. Our priority is to continue to play this critical role in these critical moments. We believe that an initiative like Green Lanes is definitely useful and supports our efforts but would have preferred that the EU Commission calls on Member States to facilitate crew changes in any port where it is possible”, adds Lamia Kerdjoudj-Belkaid, Secretary General of FEPORT.

On the 8th of April, the Commission issued a *Communication concerning Guidelines on seafarers, passengers and persons on board ships* requesting amongst others that Member States would designate ports where fast track crew changes can take place.

24.04.2020 – FEPORT responds to roadmap FuelEU Maritime initiative

On the 24th of April, FEPORT responded to the roadmap on the ReFuel EU maritime initiative. With ReFuel EU maritime, the European Commission seeks to stimulate the demand on part of shipping for low emission alternative fuels and energy sources.

FEPORT replied to the roadmap agreeing that it is essential to stimulate the demand of sustainable alternative fuels in order to facilitate zero-emission shipping in line with the objectives of the European Green Deal, adding that it is important to not only focus on GHG emissions at sea, but to also take into account the harmful effects of emissions of NO_x, SO_x and particulate matter on the health of coastal populations.

At the same time, FEPORT’s response underlined that attention should be paid that ReFuel EU maritime and related policy measures – e.g. the Energy Taxation and Alternative Fuel Infrastructure Directives - work towards the same goal. Moreover, the role of LNG as a transitional fuel was recalled and a plea was made to allow for a tax exemption for all clean fuels and energy sources, including OPS.

Finally, the response emphasized the importance of technology neutrality; It is still uncertain which fuel or energy source will be the silver bullet to reduce the environmental footprint of shipping, so the principle of technological neutrality should be embraced to allow to react to future technological and market developments and to foster innovation.

Events supported by FEPORT



The Port Equipment Manufacturers Association (PEMA) is to host a webinar entitled *The Day After Covid-19: Expectations, Experiences, and Views*, which will include presentations from three leading experts from the global ports and terminals sector followed by a deep-dive Q&A session.

To know more, follow the [link](#).

FEPOR meetings

08.04.2020	Board of Directors – Remote
16.04.2020	Environment, Safety and Security Committee – Remote
22.04.2020	Social Affairs Committee – Remote
27.04.2020	Port Policy Committee – Remote
28.04.2020	Customs and Logistics Committee – Remote
06.05.2020	Board of Directors – Remote
02.09.2020	Port Policy Committee – Brussels – P.M
09.09.2020	Social Affairs Committee – Brussels – P.M
10.09.2020	Environment, Safety and Security Committee – Brussels – P.M
17.09.2020	Board of Directors – Brussels – A.M
21.10.2020	Customs and Logistics Committee – Brussels – P.M
04.11.2020	Port Policy Committee – Brussels – P.M
05.11.2020	Environment, Safety and Security Committee – Brussels – P.M
12.11.2020	Social Affairs Committee – Brussels – P.M
18.11.2020	Board of Directors – Brussels – A.M

Institutional meetings

04.05.2020	ENVI Committee Meeting – Brussels
25-26.05.2020	EMPL Committee Meeting – Brussels
27-28.05.2020	TRAN Committee Meeting – Brussels
27-28.05.2020	ENVI Committee Meeting – Brussels
08.06.2020	EMPL Committee Meeting – Brussels
08.06.2020	ENVI Committee Meeting – Brussels
11.06.2020	EMPL Committee Meeting – Brussels
22-23.06.2020	TRAN Committee Meeting – Brussels
22-23.06.2020	EMPL Committee Meeting – Brussels
24-25.06.2020	ENVI Committee Meeting – Brussels

Other meetings

28.05.2020

ETA Conference – Brussels

24.06.2020

European Environmental Ports Conference – Rotterdam

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