



European association for forwarding,
transport, logistics and customs services

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We wish you a merry Christmas and a



Road

ECJ BANS ORDINARY WEEKLY REST PERIOD IN VEHICLES

The European Court of Justice decided earlier this week that EU social legislation on road transport should be interpreted as prohibiting drivers to take their regular weekly rest period in their vehicle but allowing it for reduced weekly rest period subject to certain conditions.

The applicant, a transport company established in Belgium sought the annulment of a Belgium royal decree that established the imposition of penalties to lorry drivers that take their regular weekly rest period in their vehicle. The pleading made was that the relevant [EU regulation](#) did not establish such prohibition and therefore the Belgium royal decree could not establish those penalties.

After establishing that the main objective of the legal act is to improve working conditions for drivers, the Court analysed the terms used in the regulation for justifying the option of spending the rest period in the cabin vehicle. The CJEU interpreted the legislation as allowing the daily resting period and the reduced weekly rest period in the cabin as long as it has suitable sleeping facilities and the vehicle is stationary. Nonetheless, it clarified that a lorry's cabin does not constitute a suitable resting area for periods longer than daily and reduced weekly rest periods. Therefore, it established that the regulation should be interpreted as prohibiting drivers from spending their regular weekly resting period in the vehicle. Finally, the ECJ concluded Member States are required to penalise infringements and that the Regulation clearly stated so.

Source: [ECJ's Press Release](#)

DRAFT REPORT ON THE DRIVING TIME REGULATION

The [draft report](#) of MEP Wim van de Camp has been published on the proposal amending Regulations (EC) No 561/2006 (the Driving Time Regulation) and (EU) No 165/2014 (Tachograph Regulation). The Commission's proposal aims to remedy shortcomings in the current law, such as lack of clarity, non-uniform implementation, insufficient enforcement and to facilitate strengthened cooperation between Member States and the relevant authorities.

The Rapporteur supports the Commission's legislative package "Europe on the Move" and the proposal, as it aims to foster a level playing field and fair competition within the sector, while lessening unnecessary administrative burdens, accelerating the digitisation of transport documents and boosting enforcement. MEP van de Camp considers that dealing with all proposals as a whole is of the utmost importance, in order to ensure the adoption of a consistent set of legislation.

The Rapporteur supports the proposal to adapt Union rules on regular weekly rest aiming at making it easier for drivers to both carry out transport operations in compliance with the rules, and to get back home for their regular weekly rest, whilst being fully compensated for all reduced weekly rest periods. However, the Rapporteur suggests clarifying the definition of home to avoid improper use. Other amendments proposed by the Rapporteur are:

The Rapporteur supports the Commission's proposal to introduce a ban on weekly rests in a vehicle of overall 45 hours or more, expanding it to include the reduced weekly rest. The rapporteur agrees that employers must provide drivers with adequate accommodation featuring appropriate sleeping and hygiene facilities, whenever drivers are unable to take a weekly rest at a private place of their



choice. Nevertheless, the Rapporteur cautions that from a security and insurance standpoint, drivers and their vehicles should not be separated, and that their rest in the cabin is therefore common in the transport sector.

The Rapporteur proposes to introduce a derogation to the general rule of not taking weekly rests in the cabin, provided it is taken in Dedicated Certified Parking Areas. The Dedicated Parking Certificates should set forth the requirements for those Dedicated Parking Places, of various types, enabling drivers to take their rest in the vehicle. Furthermore, the functionalities of the tachograph should be improved to allow for more precise positioning and the Rapporteur proposes the mandatory use of smart tachographs in international transport earlier than is foreseen by current regulation. That would allow for making earlier use of the benefits of this new device, enhancing the effectiveness of the rules and their enforcement.

COUNCIL AGREES ON HDV EMISSION MONITORING & REPORTING

On 15 December 2017, EU ambassadors agreed a mandate for the monitoring and reporting rules for CO₂ emissions and fuel consumption that will apply to new heavy-duty vehicles. This decision on behalf of the Council means that the incoming Bulgarian Presidency will be able to start negotiations with the European Parliament once the Parliament has agreed its negotiation position.

The regulation establishes a mandatory monitoring and reporting system for all EU countries for heavy duty vehicles, similar to the scheme already in place for cars and vans. These obligations will only apply to new vehicles registered in the EU.

The main objective of this system is to ensure the accuracy of CO₂ emissions reporting and monitoring and provide the basis for setting and enforcing standards on carbon emissions in the future.

Monitoring and reporting obligations under the regulation will only apply to manufacturers of vehicle categories and/or groups which have already been certified. The starting years for monitoring and reporting for each vehicle category/group are fixed in the annex to the regulation, which will be amended as and when the remaining vehicle categories/groups are certified. The Commission will have seven years to set the starting years for all vehicle categories/groups covered by the legislation.

A central EU register will be set up for gathering all data from authorities and manufacturers. Data collected on CO₂ emissions and fuel consumption will be made available to the public, enhancing transparency in the transport sector. The only possible justification for exceptions to this general principle will be to protect personal data and fair competition.

In particular, relevant data related to the aerodynamics of the vehicles (known as 'air drag value'), which is an important element for determining the fuel efficiency of a vehicle, will be also made available in a range format.

CLECAT has supported the proposal's principles of transparency on HDV emissions values, in order to increase the ability of logistics operators to make effective, energy-efficient choices based on more specific data. This can be a motivating factor for innovation in logistics, and in ensuring trust between supply chain parties.

The Committee vote on the Parliament's draft report is scheduled for January 2018. Thereafter, the file is expected to be submitted for approval in February's plenary.

Source: [Council of the EU](#)



Customs

EU EXPORT CONTROL FORUM 2017

CLECAT attended the 2017 Export Control Forum this week, bringing together about 200 export control professionals from EU institutions, Member States, industry associations and exporters, manufacturers and other economic operators involved in production or trade of dual-use items, as well as representatives of civil society and academia.

The main objective of the 2017 Export Control Forum was to exchange information about the ongoing dual-use export control implementation in the EU, and to review the state of play of the legislative process regarding the proposal for a modernisation of EU dual-use export controls. This Forum supports the continuation of dialogue with dual-uses stakeholders, and in particular the partnership with the private sector.

In her opening speech Commissioner for Trade Cecilia Malmström said:

“Export controls are vital to global security. This is a fact, but one we used to ignore in Europe. For this failing, we in the EU have paid a high price, A price we continue to pay today, in credibility and in policy coherence. We have learned from these mistakes. And in 2016 we made a proposal to transform trade in dual use products. To create a system that works for everyone. If we want to protect Europe, we need to contribute to a secure world. Security is not about being right on one day, it is about being right from day one. The EU is a beacon for open trade, but it also is a beacon for security, stability and rights. And for this, the heavy lifting is done through export control regimes. The practical things that ensure our safety and our values. In the EU we have our own rules and controls, our own lists of products, our own policies for implementation. And these will always need to be adjusted, improved and updated We must not fall behind”

During the forum several topics were discussed from various perspectives, like e-controls, the practical implementation of internal control programmes (ICP) by large and small enterprises, the development of EU ICP Guidelines and the industry-government partnership in countering new proliferation challenges. A major topic were new threats and technologies such as North Korea developing its nuclear and ballistic weapons programmes, new cyber threats which springing up every day, the prospect of autonomous weapons and 3D printing, through which it is already possible to create explosive devices. The main conclusion of the Forum was that despite legal and enforcement authorities’ controls, the private sector forms the first line of defence and that there is a joint responsibility in protecting the safety and security of our society, in a way that maintains this freedom, and keeps legitimate business competitive.

The presentations and web streaming of the event are available on the [website of DG Trade](#)

EU PROLONGS ECONOMIC SANCTIONS AGAINST RUSSIA

On 21 December 2017, the Council prolonged economic sanctions targeting specific sectors of the Russian economy until 31 July 2018. This decision follows an update from President Macron and Chancellor Merkel to the European Council of 14 December 2017 on the state of implementation of the Minsk agreements. The duration of the sanctions was linked to the complete implementation of the Minsk agreements by the European Council on 19 March 2015, which was foreseen to take place



by 31 December 2015. Since this did not happen, and given that the Minsk agreements have still not been fully implemented, the Council has extended the sanctions by a further six months.

The Council formalised this decision by written procedure and, in line with the rule for all such decisions, unanimously. The measures were originally introduced on 31 July 2014 for one year in response to Russia's actions destabilising the situation in Ukraine. They were strengthened in September 2014. They target the financial, energy and defence sectors, and the area of dual-use goods. The economic sanctions prolonged by this decision include limiting access to EU primary and secondary capital markets for 5 major Russian majority state-owned financial institutions and their majority-owned subsidiaries established outside of the EU, as well as three major Russian energy and three defence companies, imposing an export and import ban on trade in arms, establishing an export ban for dual-use goods for military use or military end users in Russia and curtailing Russian access to certain sensitive technologies and services that can be used for oil production and exploration.

In addition to these economic sanctions, several EU measures are also in place in response to the crisis in Ukraine including targeted individual restrictive measures (a visa ban and an asset freeze, currently against 150 people and 38 entities until 15 March 2018) and restrictive measures in response to the illegal annexation of Crimea and Sevastopol, limited to the territory of Crimea and Sevastopol, currently in place until 23 June 2018.

A full overview can be found here: [Overview of EU restrictive measures in response to the crisis in Ukraine](#)

EU PUTS IN PLACE NEW TRADE DEFENCE RULES

On 20 December, the EU's new trade defence legislation, an integral part of President Juncker's agenda on A Europe That Protects, entered into force. It should change the way the EU tackles dumped and subsidised imports from countries with significant state-induced market distortions.

The Commission has also published its first country report on such state-induced distortions. Following its publication in the EU's [Official Journal](#), the revised legislation enters into force just over a year after being proposed by the Commission. It introduces a new way of calculating whether dumping has occurred in imports into the EU from countries where the economy is distorted owing to state interference. The purpose of this new legislation is to make sure that Europe has trade defence instruments that are able to deal with current realities – notably state-induced distortions which too often lead to overcapacities – in the international trading environment, while fully respecting the EU's international obligations in the legal framework of the World Trade Organisation (WTO).

In parallel with the publication of changes to the EU's anti-dumping legislation, the Commission has also released the first country report envisaged by the new legislation. The Commission selected China for the first report because the bulk of the EU's anti-dumping activity concerns imports from that country. The report published describes factually certain aspects of the Chinese economy, focusing on the country's macro-economy; the main production factors used in all manufacturing processes (e.g. labour, energy); and certain sectors of the economy, including steel and ceramics. Other reports will be prepared on the basis of the same criteria: their relative importance in the EU's anti-dumping activity, as well as indications that there may be distortions related to government interventions in the economy. The next country report will concern Russia.

More information about the changes and the report can be found [here](#)



VAT COLLECTION AND CONTROL

This week, The European Commission has published a [series of recommendations](#) for Member States on how to better work together towards better direct tax and VAT collection for national budgets. In particular, the results show that investment in digital and IT systems, as well as investment in human resources, will be crucial if EU countries want to improve their public finances.

The reports highlight the overall positive impact of the EU-wide cooperation between tax administrations on tax collection, but also show that Member States [have to deploy more resources](#) to improve tax collection - an issue which, for VAT alone, can lead to losses for national budgets of up to €150bn a year.

The Commission has this year already put forward far-reaching [reforms of the VAT system](#) to create a definitive VAT system and to create a single European VAT area that is simpler and fraud-proof. Cooperation between countries to recover lost taxes. should also be improved, the report says, and countries should make better use of new data that is being collected as part of the major reforms on information exchange – an accomplishment which should give the fight against tax avoidance a major boost in the EU. The Commission will now take these findings forward with Member States to see how they can be addressed.

Maritime

ROTTERDAM TO PILOT FIXED WINDOW SERVICE FOR CONTAINER BARGES

Hutchison Ports ECT Rotterdam intends to carry out a trial service that provides so-called “fixed windows” for container barges hauling larger cargo volumes as it tries to cater to more market segments in inland shipping. The fixed windows pilot project will see barge operators either individually or by group to load or offload a substantial volume of containers at one of the ECT terminals in one call.

Starting next month, the pilot group comprising HTS Intermodaal, the CCT Moerdijk/Barge Terminal Tilburg consortium and a consortium of Contargo, Haeger & Schmidt and European Gateway Services, will participate in the trial offering over a three-month period.

The fixed window will see the group, which meet the call size requirement, make guaranteed fixed weekly calls at specific times of the schedule and share information regarding their cargo operations. ECT chief executive Leo Ruijs said: “With this pilot project — which we will hopefully be able to convert into a new service successfully —we are once again offering the market a new option. We provide fixed windows and Barge Transferium Maasvlakte as a complement to our regular handling services for inland shipping.” “This does justice to the diversity found within the inland container shipping sector. The barge operator is offered a range of choices based on its own options. In addition, we hope that these new services can form the foundation for a mature client relationship with the inland container shipping sector.”

The pilot project comes after ECT in November unveiled the Barge Transferium Maasvlakte located at Hartelhaven which provides around the clock crane capacity to load and unload cargoes for inland



vessels. It can be used for containers headed for or originating from ECT terminals as well as other terminals in Rotterdam.

Source: [Lloyd's Loading List](#)

Rail

TRANSPORT COUNCIL RE-AFFIRMS POTENTIAL OF TEN-T CORRIDORS

Ministers from the Transport, Telecommunications and Energy Council of the EU have accepted the last report on the Trans-European Transport Network (TEN-T) of which the EU rail freight corridors are a key element.

Acknowledging the successful agreements reached at the Rotterdam TEN-T Days in June 2016, the council said it 'recognised the potential' of rail freight corridors for developing cost-efficient measures for optimising the use of the TEN-T network, and welcomed efforts of coordinators in 'exploiting synergies' with rail freight corridors.

The ultimate objective of TEN-T is to close gaps, remove bottlenecks and eliminate technical barriers that exist between the transport networks of EU Member States, strengthening the social, economic and territorial cohesion of the Union and contributing to the creation of a single European transport area. The policy seeks to achieve this aim through the construction of new physical infrastructures; the adoption of innovative digital technologies, alternative fuels and universal standards; and the modernising and upgrading of existing infrastructures and platforms.

Moreover, the Council highlighted the continuous need to facilitate the timely implementation of projects on the Core Network Corridors. In order to guarantee this, the Council invited the Commission to appoint European Coordinators for the new mandate of March 2018, and asked the future coordinators to focus their efforts on the implementation of the Core Network corridors to strengthen cooperation and exchange between Core Network Corridors and to ensure appropriate synergies with relevant transport, energy and telecommunications policy objectives.

Sources: [Council conclusions](#) & [Railfreight](#)

DUISBURG PORT GROWTH THANKS TO CHINESE TRAINS

After having suffered a decrease in ship-to-ship turnover because of delays at Antwerp and Rotterdam ports, Duisburg Port is expected to record a 12% increase in containers handled thanks to rail traffic to and from China. Duisburg Port has acknowledged that Chinese-European rail services are playing a key role in the increase of numbers, with an increase of 50% this year on the containers carried by trains coming and going to China. Currently, the Port carries out 25 services a week to various destinations in China. Eric Staake, CEO of Duisport Group pointed out this increasing trend is expected to continue in the coming years and they expect to increase handling up to 3.7 million TEUs by the end of 2017.

Source: [Railfreight](#)



PORT OF ANTWERP MODAL SHIFT PROGRAMME

Three rail-based initiatives have been selected out of the seven projects part of the 1.4 million Euros modal shift programme at the Port of Antwerp. The scheme aims at removing the yearly 250.000 trucks transports from the roads and guarantee a more sustainable freight traffic.

At the beginning of the year the port authority issues a 'Call for proposals' for more sustainable mobility solutions or improvements to be made for handling the current flow of maritime trade. Each successful project was awarded a maximum of 200.000 EUR spread over the next three years.

The three awarded rail projects are:

1. DP World's 'shift to rail' project which aims at improving existing rail services and establishing new links (For example between Antwerp and Stuttgart). It has targeted a 10% rise in rail operation by 2020, and cut by 50.000 road transport trips a year.
2. Euroports Inland Terminals will launch a direct link between Antwerp and Liège which will run twice a week. It is expected to lead to 16.200 fewer truck trips annually.
3. Slovak Shipping and Ports project will establish a container terminal operator from Bratislava. Moreover, it will launch a combined train service between Antwerp and Bratislava. It is expected to reduce 6.000 truck trips a year.

Source: [Railfreight](#) Customs

Digitalisation

EU STRENGTHENS COOPERATION TO COUNTER CYBER-ATTACKS

On 20 December 2017 EU institutions took an important step in strengthening their cooperation in the fight against cyber-attacks. An inter-institutional arrangement which entered into force on 20 December, establishes a permanent Computer Emergency Response Team (CERT-EU) covering all the EU's institutions, bodies and agencies. It consolidates the existing task force into a permanent and effective team responsible for ensuring a coordinated EU response to cyber-attacks against its institutions.

In recent years, Computer Emergency Response Teams have been set up in both the public and private sectors as small teams of cyber-experts that can respond effectively and efficiently to information security incidents and cyber threats. They are a key component in the strategy to combat these threats by assisting their clients in detecting and preventing weaknesses. They provide advance warning to their clients and recommend action to mitigate risks. They help to detect compromised systems and attacks and to take appropriate steps to prevent them or assist organisations to recover from them. They are highly interconnected with each other, creating a community of experts fighting for the common cause of cybersecurity. CERT-EU's resources are provided by EU institutions, bodies and agencies. The team operates under the strategic oversight of an inter-institutional Steering Board.

CERT-EU works very closely with the internal IT security teams of the EU institutions, and liaises with the Computer Emergency Response Teams and IT security companies in member states and elsewhere, exchanging information on threats and how to handle them. It also cooperate closely with its counterparts at NATO. CERT-EU is a member of the network of EU national and governmental



Computer Security Incident Response Teams that has been established by the Directive on security of network and information systems.

Source: [Council of the European Union](#)

General

EC ISSUES GUIDELINES FOR NEXT PHASE OF BREXIT NEGOTIATIONS

Following the guidelines adopted by the European Council (Art 50) on 15 December, the European Commission sent a Recommendation to the Council (Art 50) on 20 December to begin discussions on the next phase of the orderly withdrawal of the United Kingdom from the European Union.

The [draft negotiating directives](#), which supplement the negotiating directives from May 2017, set out additional details on possible transitional arrangements. These include, in particular, the following:

- There should be no "cherry picking": The United Kingdom will continue to participate in the Customs Union and the Single Market (with all four freedoms) during the transition period. The Union acquis should continue to apply in full to and in the United Kingdom as if it were a Member State. Any changes made to the acquis during this time should automatically apply to the United Kingdom.
- All existing Union regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures will apply during the transition period, including the competence of the Court of Justice of the European Union.
- The United Kingdom will be a third country as of 30 March 2019. As a result, it will no longer be represented in Union institutions, agencies, bodies and offices.
- The transition period needs to be clearly defined and precisely limited in time. The Commission recommends that it should not last beyond 31 December 2020 (i.e. less than two years).

The Recommendation also recalls the need to translate into legal terms the results of the first phase of the negotiations, as outlined in the [Commission's Communication](#) and [Joint Report](#). It underlines that work needs to be completed on all withdrawal issues, including those not yet addressed in the first phase, such as the overall governance of the Withdrawal Agreement and substantive issues such as goods placed on the market before the United Kingdom's withdrawal from the EU. In line with the European Council's guidelines of 15 December, the General Affairs Council (Art 50) will adopt these additional negotiating directives on transitional arrangements in January 2018.

Source: [European Commission](#)

TEN-T DAYS 2018

European Commissioner for Transport Violeta Bulc has announced the TEN-T Days 2018 which will take place between the 25-27 April 2018 in Ljubljana, Slovenia. The TEN-T Days will also host an idea accelerator and futuristic lab, to allow young European entrepreneurs and companies to showcase innovative mobility solutions. There will also be an Interinstitutional meeting to discuss further synergies between transport, energy and digital connectivity, and the investment support with highest



EU value-added in the post-2020 framework. Among the high-level events, there will be Ministerial sessions with Western Balkans and Turkey, and Southern Mediterranean countries.

For more information about the event, please visit <http://www.tentdays.eu>

TRILOGUE AGREEMENT ON CROSS-BORDER PARCEL DELIVERY

The European Parliament, the Commission and the Council have reached a provisional agreement to make prices for cross-border parcel delivery services more transparent and affordable and to increase regulatory oversight of the EU parcel market.

Vice-President Andrus Ansip, responsible for the Digital Single Market stated that high delivery prices are a major concern for consumers and companies. Commissioner Elżbieta Bieńkowska, in charge of Internal Market, Industry, Entrepreneurship and SMEs, added that Europeans still face many obstacles when purchasing goods only, including high delivery prices and unclear return options. This is why the EU considers that is essential to continue with the development of e-commerce in Europe. The new regulation does not impose a cap on delivery prices will complement self-regulatory initiatives and boost transparency. The objective is to allow consumers and companies, in particular SMEs, to buy and sell services and products in an easier and confident way across the EU.

The main elements of the new Regulation on cross-border parcel delivery are:

- Price transparency: Parcel delivery providers will have to disclose prices for the services which the Commission will publish on a website. The objective behind this proposal is to foster competitive pressure by allowing users to easily compare between services and prices.
- Regulatory oversight: National regulators will be allowed to assess whether tariffs for cross-border services are unreasonably high compared to the underlying cost. Moreover, they will enjoy new powers to identify better parcel service providers and the services they offer, in order to overview and identify innovative new providers.
- Finally, traders will have to provide consumers with information on prices charged, complaints procedures and parcel delivery returns policies.

Sources: [Press release](#) & [Fact Sheet](#)

CORE ENTERING FINAL MONTHS

The CORE project is heading towards its final months, officially ending in April next year, and the results of research and findings from the demonstrations are now coming together. CORE project through its research and demonstrations has created key tools to make global trade and logistics highly efficient and secure. The CORE business cases are focused on:



- increasing the efficiency of border agencies using the global data pipeline;
- bringing commercial value and contributing to the safe transport of dangerous goods using the precise real-time track and trace solution;
- creating more accuracy around delivery estimates, more efficient pipeline inventory, and safety stock levels with the use of the predictive analytics tool etc.



CORE partner Seacon Logistics has succeeded in creating a trusted trade lane blueprint that has potential for global application. In fact, Seacon's demonstrator lane, connecting Malaysia with Rotterdam, has highlighted the opportunities so well, that Dutch Customs are expanding their IT capability and landscape specifically to take full advantage of the efficiencies and improved risk assessment it offers.

Other results can be found in [The CORE newsletter](#).

DB FILES CLAIM AGAINST TRUCK MANUFACTURER CARTEL

Deutsche Bahn (DB) filed this week a lawsuit against several German companies (such as DAF, Daimler, Iveco, MAN and Volvo/Renault) for damages from a cartel. The German truck manufacturers agreed on gross list prices for trucks between 1997 and 2011 and received fines amounting to €3.8bn. The EC case established that the truck manufacturers had illegally agreed on gross list prices, delayed the introduction of new technologies to reduce emissions and passed the costs of the technologies on to the customers. Now they face class actions from the customers.

DB has joined its claim with the one of the German Armed Forces, and another 40 corporation, including airport operators and logistics companies. The lawsuit covered the purchase of about 35.000 trucks for more than €2bn. Ulrich Weber, DB board member for human resources and legal affairs of DB stated that: "Deutsche Bahn is absolutely determined to get full compensation from the member of the cartel" as the illegal price fixing has caused enormous damage to the company and third parties.

Source: [Theloadstar](#)

Forthcoming events

CLECAT MEETINGS

CLECAT Road Institute

7 February, Brussels

CLECAT Workshop on the EU Customs Data Model

7 February, Brussels

CLECAT Customs & Indirect Taxation Institute

8 February, Brussels

Supply Chain Security Institute / Air Logistics Institute

28 February, Brussels

ALICE – LEARN Event

7-8 March, Brussels

CORE Final Event

28 March, Brussels

CLECAT Customs Conference



28 March, Brussels

OTHER EVENTS WITH CLECAT PARTICIPATION

WOMEN IN TRANSPORT PLATFORM

23 January, Brussels

ELP LUNCH DEBATE | THE FUTURE OF MULTIMODAL TRANSPORT

30 January, Brussels

TEN-T DAYS 2018

25-26-27 April 2018, Ljubljana

25th ITS World Congress

17-21 September, Copenhagen

EP/COUNCIL MEETINGS

European Parliament Transport and Tourism Committee

11 January 2018

22, 23 January 2018

Transport, Telecommunications and Energy Council of the European Union

26 January 2018

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