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ECASBA EUROPEAN SEMINAR

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“THE CURRENT STATE OF PLAY”

EUROPEAN ISSUES UPDATE

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CURRENT ISSUES

- Port Policy
- E-Maritime/Single Windows/Blue Belt
- Pilotage Exemption Certificates
- Environment
 - SECA's Update
 - Ship Recycling
- Customs
 - Simplifications and guarantee waiver retention in UCC
 - Delays to progress on modernised customs environment

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Port Policy/1

- Background:
 - 2007 soft law basis not working – still issues of port performance, lack of viable hinterland connections, financial transparency, access to port services, so no level playing field
 - Some progress has been made recently – Concessions Directive, new guidelines for TEN-T and Connecting Europe Facility (CEF) and some reforms of port sector due to financial crisis but other issues remain, e.g.
 - Structural funding from EU not bringing expected benefits
 - Appears almost no tangible progress since 2007 so opportunity for Comm. to try another approach
 - Stakeholder consultation December 2012, workshop on results January 2013 – ECASBA participated in both.

Port Policy/2

- Legal Form/Scope/Coverage:
 - Measures proposed in Regulation, not Directive, to introduce binding measures and legal certainty to establish Europe-wide level playing field and allow freedom to provide services
 - Scope: market access to port services, and financial transparency. No dock labour (too hard) self-handling (no longer considered a port service) or land lease concessions – covered by Concessions Directive
 - Coverage – only covers 319 ports in TEN-T core and comprehensive networks to avoid overburdening small ports with excessive regulation – but MS have option to include others

Port Policy/3

- Market Access:
 - Does not apply to cargo handling or passenger services
 - Freedom to provide port services across EU
 - Fair, reasonable and non-discriminatory access to essential facilities
 - Port managers have right to check suppliers qualifications and provision of resources to provide full range of service
 - Limitations on number of service providers allowed due to space constraints, safety, security, accessibility but under clearly defined and transparent criteria
 - Ports can provide services (internal operator) but limited to own port/port system

Port Policy/4

- Transparency and Charging:
 - Transparent rules regarding financial reporting, especially in relation to use of public funds
 - Public funds made available for public service obligation may not be used for any other purpose
 - Port charges to be transparent and non-discriminatory
 - Port managers may levy infrastructure charges on port users and service providers
 - Infrastructure charges may be “modulated” for frequent users, promotion of short sea shipping, high environmental standards or similar – terms must be transparent, non-discriminatory and available to all
 - Commission to set methodology for environmental charging classifications and principles

Port Policy/5

- Coordination and Supervision:
 - Ports to establish and provide support and facilities to user committees, with participation available to all service providers
 - User committees to have say in coordination of port services, defining and setting infrastructure charges, simplification of port procedures
 - Member States to establish independent supervisory bodies to ensure correct application of the Regulation

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E-Maritime/Single Windows/Blue Belt

- Ship Reporting Formalities
- E-Maritime
- Single Windows
- The Blue Belt Project

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E-Maritime/Single Windows/Blue Belt Ship Reporting Facilities

- Reporting Formalities Directive (2010/65/EC) effective 01.06.2015
- Requires all statutory information to be provided electronically
- Port Community System operators to provide means of access to national single windows, agents to feed into PCS
- No definition in Directive of the scope of the information to be provided, to be determined by Member States so possibilities for Member States to allow for or require the exchange of commercial information, concerns over confidentiality!
- Conference on E-maritime: Brussels November 2012 – ECASBA presentation
- ECASBA now contributing association to AnNA Project

E-Maritime/Single Windows/Blue Belt

Blue Belt

- A pilot project, supported by DG-MOVE and DG-TAXUD, aimed at proving to the Commission and national authorities what we already know - that it is possible to move intra-EU cargo safely and effectively by sea with the minimum of administrative compliance and without loss of control or security by customs and national administrations
- Trial period from May to November 2011
- Involved 251 vessels (“Blue Ships”) nominated by ECSA and WSC covering all types of vessel and cargo
- Information on vessels, cargoes, routing provided to national customs authorities by EMSA for oversight purposes
- Trials were successful – as we knew they would be
- Now awaiting further action by MS customs authorities based on results

Pilotage Exemption Certificates

- Enhanced access to PEC's is fully supported by ECASBA
- Vital in ensuring effective use of short sea shipping
- Unnecessary and unjustified barriers must be removed:
 - Obligatory/exclusive use of national language
 - Narrowly defined experience requirements
 - Unacceptably high number of qualifying calls
- All criteria should be specifically safety orientated, objective and proportional
- Only common language should be English
- ECASBA contribution to consultations – May 2012, April/May 2013

Emission Control Areas – Review of Sulphur Directive

- 0.1% Sulphur Emissions for N. Sea and Baltic ECA's in 2015
- Major concerns for short sea shipping industry on cost and practicalities
- Only UK and Finnish Govts. arguing against, all others support
- Will result in modal backshift from sea to road due to significant fuel price rises
- ECASBA Position Paper March 2012
- Commission to establish forum to discuss technical development, abatement process and financing
- Possibility of introducing NECA's (Nitrogen)
- Where next, Mediterranean?

Sustainable Ship Recycling

- European Parliament Environment Committee (ENVI) proposed levy on ship calls in the European Union to fund sustainable ship recycling.
- Major campaign by European maritime sector organisations to oppose these measures basis:
 - Increased port costs for ships in EU ports damaging trade and competitiveness
 - Likely to see Hong Kong Convention consensus damaged
- EP vote on 18.04.13 defeated proposal 299-292!
- Commission now ordered to develop alternative incentive-based scheme for sustainable recycling

Customs Issues/1

- Modernised Customs Code/UCC – transfer of level 2 simplifications and guarantee waivers
 - Intention in creating UCC from MCC was technical and limited to Lisbon Treaty compliance but...
 - TAXUD trying to make other changes, including reducing levels of simplifications and removing guarantee waivers from maritime transport
 - ECASBA joined with industry and most EU MS to retain same via an amendment to Article 77.
 - TAXUD now forced to look again at simplifications

Customs Issues/2

- Modernised Customs Code/UCC – delays to progress and centralised clearance/single filing
 - Trade Contact Group pressing Trilogue (Commission/Parliament/Council) for urgent action to make progress on customs reform, seeking industry support
 - ECASBA unable to participate due to TCG support for centralised clearance/single single filing which not supported due to impact on some MS
 - ECASBA therefore taking own line and in direct contact with Parliament Committees and DG-TAXUD to urge action to accelerate introduction of UCC for benefit of European trade - but without CC.

Customs Issues/3

- Modernised Customs Code/UCC – delays to progress
 - Trilogue failed to reach agreement on UCC going forward on 10th April but did so second time on 23rd April
 - ECASBA letter to Parliament (IMCO Ctee.) and TAXUD dd 16th April acknowledged by Zielinski (Director, Customs Policy) on 30th April, advising trilogue discussions “very constructive and made substantial progress” but still more work to do
 - ECASBA invited to contribute further as the legislation is developed
 - ECASBA to arrange meeting with Zielinski soonest

Customs Issues/4

- Modernised Customs Code/UCC – Trilogue Agreement 23rd April 2013...
 - Informal provisional agreement reached between Parliament and Irish Presidency
 - Requires formal approval of Permanent Representatives and IMCO Committee in May ahead of Plenary vote in July
 - Calls for all EU customs transactions between authorities and economic operators by 2020 at the latest
 - Will grant preferential treatment to AEO companies
 - ✓ So now we know what the benefits of being an AEO are!



THE END
THANK YOU

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