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**ANNUAL MEETING
LIMA 2013
ECASBA PLENARY MEETING
EUROPEAN UPDATE**

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ECASBA – CURRENT ISSUES

- Port Policy
 - E-Maritime/Single Windows/e-Manifest
 - Pilotage Exemption Certificates
 - Environment
 - SECA's Update
 - Ship Recycling
 - Customs
 - UCC Introduction
 - RSS Modifications
 - Liability of Agents for Accuracy of Information
 - Recognition of Customs Agents
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- The background features a large, semi-transparent watermark of the ECASBA logo, which consists of a stylized 'E' and 'S' intertwined, surrounded by a circle of twelve stars. Below the logo, the text 'ECASBA' is written in a large, semi-transparent font.

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
 - 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 – “debureaucratisation”. Comm. subsequently advised not necessary to establish new body, just determine which existing body, if there is one, will take over role – possible issue for some MS (UK) that have private ports.

Port Policy/6

Current Reactions:

- ESPO (Seaports): Concern over the need for a rigid regulation, possibility of “one size fits all” impacting on diverse port industry, still no action on State Aid guidelines, detrimental effect on ports’ ability to compete with those in adhesion countries, fears over independent supervisory body. Supports level playing field, transparency and freedom to provide services. Formal position paper issued September.
- ECSA (Shipowners)/ECASBA/CLECAT (Freight Forwarders): Support action on freedom to provide services and financial transparency but concerned over omissions of self-handling, passenger services and dock labour, also Comm. competence over environmental charge modulation. Believe IMO should decide. Now looking for quick action to implement measures. Position stated in joint press release issued 30.09, no formal papers issued yet, ECASBA position paper to follow after this meeting.
- MS: Germany may not support, also possibly UK, others?

E-Maritime

- Ship Reporting Formalities
- Single Windows
- e-Manifest Proposals

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E-Maritime/1

Ship Reporting Facilities

Reporting Formalities Directive (2010/65/EC) effective 01.06.2015

- Requires all statutory information to be provided electronically
- Expect 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!
- Commission have accepted that the agent is the provider of all information going into the system
- ECASBA Meeting with European Maritime Safety Authority in Lisbon in September, EMSA consider ECASBA as primary partner in implementing the Directive
- ECASBA now contributing association to AnNA Project

E-Maritime/2

Single Windows

- Objective: to harmonise and streamline the exchange of statutory data between ship and shore
- ECASBA fully engaged with DG-MOVE to provide input on practical issues
- e-Maritime presents ideal opportunity to thoroughly review and reduce volume of information being submitted – if you don't need it, don't ask for it!
- ECASBA initiative “The Agents is THE Port Single Window” gaining acceptance
- Concerns over “as agents only” in electronic reporting
- e-Manifest: Initially developed by WSC and ECSA, now taken over by DG-TAXUD supported by DG-MOVE

e-Manifest/1

- Objective: to provide multi-port, easily updatable electronic shipping document that quickly identifies Community and non-Community goods and allows for fast, simple customs clearance of Community goods on arrival
- Vessel provides electronic list of cargo on board, Community and non-Community, to Customs at first port of arrival,
- Customs at first port pass same on to all other ports via SafeSeaNet
- Customs then handle cargo according to status
- List is then updated as cargo is loaded, discharged and remains on board and is lodged with Customs at next, and all subsequent, ports
- Provides advance notification of cargo and real-time updating of changes - and all in place by 1st June 2015!
- Reduces documentary burden for intra-Community cargo moving by sea
- Excellent, what we have been waiting for... isn't it?!

e-Manifest/2

- If you say it quickly enough, yes it does sound like a great idea, but...
- Relies entirely on fully operational, interoperable and effective electronic communication between ship, statutory authorities and between Member States - which we don't have yet
- Goes much further than original plan to replace IMO FAL Forms 1 (General Declaration) and 2 (Cargo Declaration).
- Will actually increase the amount of data being exchanged, due to need to provide full export manifests and lists of FROB for each port, neither of which are currently required, in very short timeframes due to vessel turn round times
- Also covers dangerous goods, which presently reported under separate, established regime
- Will suit major liner operators (remember it was WSC that proposed this!) but will cause significant data collection/handling/reporting problems for smaller container operators, short sea feeder services and their agents, especially those operating out of ports that are not served by Port Community Systems
- Forwarding of detailed export manifests to subsequent ports could allow other agents (especially independents) to gain information on competitors and gain commercial advantage

e-Manifest/3

ECASBA Position:

ECASBA supports the overall concept of the e-Manifest, and especially the intention to reduce reporting requirements for intra-Community cargo transport, but has significant concerns about:

- The ability of smaller operators, agents and ports to cope with the increased data collection/handling/reporting requirements
- The ability of the agent to sign “as agents only”
- The agent will require information from parties with whom he has no relationship, how does he get it, what are the liabilities?
- Whether the required electronic systems will be in place and operational in time
- The bias towards major liner operators and thus a lack of appreciation of the practicalities of smaller container and feeder operations,
- The possible leakage of commercial information via the export manifest
- ECASBA has expressed these initial concerns to DG-TAXUD and DG-MOVE and will follow up with further comments following this meeting.

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 and member association contributions 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
- Will result in modal backshift from sea to road due to significant fuel price rises
- Commission “mitigation toolbox” still empty!
- Commission establishing forum to discuss technical development, abatement process and financing
- Possibility of introducing Mediterranean SECA and NECA's (Nitrogen), also CO2 monitoring

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

- UCC adopted by Parliament on 11.09.2013, and by Council on 26.09.2013
- UCC measures to be applied from 01.06.2016
- TAXUD splitting UCC into Implementing Acts (IA) and Delegated Acts (DA) ahead of publication of draft versions in January 2014. Trade to carefully review and comment
- ECASBA (and others) will be checking to ensure all level 2 simplifications and guarantee waivers (Article 77) were carried over from MCC

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Customs Issues/2

Regular Shipping Services (RSS) – Intra EU Caargo only

- TAXUD introducing modifications to RSS approval procedures:
- Reduction in time limit for MS to consult/approve applications from 45 days to 15 days
- Ability to apply in advance for authorisation of service in MS where service anticipates calling (future extension of service), as well as those it currently serves

Customs Issues/3

Liability of agents for accuracy of information

- Concerns about customs authorities taking criminal action against agents for misdeclaration, e.g. Belgium
- Issue over ability to clearly state “as agents only” on electronic customs entries, potential issue under “e-Manifest” proposals
- Now being considered by IMO under revision of FAL Convention

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Customs Issues/4

Regulation of Customs Agents

- CLECAT (Freight Forwarders) and CONFIAD (Customs Agents) working with DG-TAXUD to define standards of competence for customs agents in Europe
- TAXUD supports professional recognition for customs brokers to ensure high level of customs compliance and reporting standards
- Three year project to report in 2016
- Customs Brokers operate in many European countries but not all, and in many cases share responsibility for customs entries with ship agent
- Accordingly ECASBA members will be affected by proposals for recognition
- ECASBA will monitor developments
- **If TAXUD prepared to recognise customs agents to ensure professional service provision, why does MOVE not want to recognise ship agents for the same reasons?**



THE END
THANK YOU

ECASBA