



ANNUAL MEETING LONDON 2016

**ECASBA PLENARY MEETING
18th OCTOBER 2016**

EUROPEAN UPDATE

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ECASBA ISSUES



- Digital Transport & Logistics Forum (DTLF)
- Port Reception Facilities
- Reporting Formalities Directive (2010/65/EC)
- Veterinary Checks on Cargoes of Animal Origin
- Proposed 2017 Community Shipping Package
- Mid Term Review of Transport Strategy to 2018
- Customs Developments – Hilde Bruggeman

DTLF



- ECASBA advised of the Forum proposal in late 2014
- Objective to “address **questions relevant to the digitalisation of freight transport and logistics**. It will bring together Member States, stakeholders from all transport modes and logistics communities including shippers, and commercial partners, with the aim to identify challenges and areas where common action in the EU is needed, to provide recommendations and solutions, and to work on their implementation where appropriate”. – DG-MOVE invitation to stakeholders May 2015
- ECASBA’s participation fully supported by DG-MOVE, Jukka Savo
- **Maritime issues (e-Maritime, e-Manifest, reporting formalities) no longer addressed by DTLF but in direct bilateral consultation with DG-MOVE**

DTLF



- ECASBA/Menno Duin appointed to the Forum
- First met July 2015
- Approximately 110 organisations represented across all modes
- Four main policy objectives:
 - Digitalisation of transport – how to harness and use data to allow organisations to build efficient transport logistics chains
 - Decarbonisation – how to use ICT to further integrate all modes
 - The human factor
 - International aspects – spreading European standards internationally
- ECASBA now participates in Sub Group 2, “Optimisation of cargo flows” along TEN-T corridors



TENtec

REGULATION (EU) No 1316/2013 O.J. L348 - 20/12/2013

Legend

- BALTIC - ADRIATIC
- NORTH SEA - BALTIC
- MEDITERRANEAN
- ORIENT / EAST-MED
- SCANDINAVIAN - MEDITERRANEAN
- RHINE - ALPINE
- ATLANTIC
- NORTH SEA - MEDITERRANEAN
- RHINE - DANUBE

DTLF



- In Spring 2016, Sub Group 2 carried out a benchmarking exercise on the Scandinavian – Mediterranean corridor (pink) as a pilot project
- Survey aimed at logistic service providers and short sea shipping operators
- ECASBA asked the members involved (Sweden, Denmark, Germany and Italy) to pass the survey on to those of their members that were involved in this activity with the request that they participate.
- Responses collated and assessed in June/July 2016
- The Group is now analysing the business case information revealed in the pilot project
- Final report is expected in June 2017

DTLF



- Next Steps:
 - ECASBA and colleague associations will continue to discuss maritime matters directly with DG-MOVE (Sandro Santamato)
 - Menno Duin will continue to attend relevant DTLF meetings and participate in the Sub-Group

INTERACTIVE DISCUSSION

WHAT ELSE DO MEMBERS WANT TO SEE TAKEN FORWARD BY ECASBA IN THE CONTEXT OF THE DTLF?

PORT RECEPTION FACILITIES DIRECTIVE REVIEW



- Directive 2000/59/EC was introduced in December 2002 to establish a single, consistent and Europe-wide regime for the delivery and collection of ship generated waste
- The objective is to encourage the disposal of all such waste ashore, and avoid illegal discharges at sea
- It features a standard charge, payable by all ships (irrespective of whether they do discharge waste), as a further incentive to discharge ashore and port waste reception plans for ports
- There are, however, a number of issues in relation to implementation, hence the need for a review

PORT RECEPTION FACILITIES DIRECTIVE REVIEW



- The main issues are:
- The scope of the standard charge. What it covers (type/quantity of waste) varies widely between Member States and so the level of the standard charge also varies significantly. The original aim was to have a broadly similar charge Europe-wide to avoid “garbage tourism”
- The inclusion of cargo residues in the category “garbage” (this is actually an issue with MARPOL on which the PRF Directive is based)
- The adequacy of port reception facilities, again in terms of the scope of the facilities and the quantities they can handle

PORT RECEPTION FACILITIES DIRECTIVE REVIEW



- ECASBA's position on those issues are:
- Set aside MARPOL and base the standard charge on normal ship's husbandry waste, that is the waste generated by the crew. This is broadly similar for all ships and does not need specialised handling so should allow the standard charge to be brought in to line across the EC
- Require ports to provide reception facilities appropriate to the types and quantities of waste generated in the course of their normal operational capabilities. Waste types and quantities outside those parameters can be handled on a case by case basis

PORT RECEPTION FACILITIES DIRECTIVE REVIEW



- What next?
- DG-MOVE has opened a public consultation on the PRF Directive, as a precursor to a full review under the REFIT* programme. Entries closed on 6th October
- ECASBA has responded to the survey but will also take the opportunity once the review is underway to reiterate its views
- ECASBA is now a member of the PRF sub-group of the European Sustainable Shipping Forum and has already expressed its views directly to the ESSF coordinator at EMSA

* Regulatory Fitness and Performance Programme

PORT RECEPTION FACILITIES DIRECTIVE REVIEW



INTERACTIVE DISCUSSION

WHAT ELSE DO MEMBERS WANT TO SEE TAKEN FORWARD BY ECASBA IN
THE CONTEXT OF THE PRF REVIEW AND IN THE ESSF SUB-GROUP?

REPORTING FORMALITIES DIRECTIVE



- Directive 2010/65/EC, originally launched in 2009
- Designed to introduce harmonised, streamlined and consistent vessel reporting to national authorities, allow re-use of data and effect a reduction in the reporting burden with effect from 1st June 2015
- Unfortunately a number of factors, from an unwillingness to share data and a failure to agree common standards for data exchange, have prevented the project from achieving its stated aims
- So the Commission are undertaking a review in order to address those issues

REPORTING FORMALITIES DIRECTIVE



- ECASBA has long been engaged in the development of a consistent, effective and Europe-wide electronic ship reporting regime and will continue to work with DG-MOVE and other stakeholders to bring this about so ...
- What does ECASBA want?
- Initially each individual member state should ensure its own national single window reporting system is comprehensive and effective
- This should ensure that ship agents benefit from the reductions in the current ship reporting task
- NSW's should concentrate on the exchange of statutory information first

REPORTING FORMALITIES DIRECTIVE



- There should only be one national single window. Having a separate single window for customs, for example is nonsense – “single” means ONE!
- Once the national single windows are in place and operating effectively (and some already are) then the project can move on to the interchange of information between member states, the so-called European Single Window
- This is a matter for Member States and the European Maritime Safety Authority, not ECASBA

REPORTING FORMALITIES DIRECTIVE



- Next Steps:
 - ECASBA will continue to work with the Commission and support and contribute to the review of the Directive once it is launched – expected later this year
 - ECASBA will also continue to support Member associations in their efforts to achieve effective national single windows covering all statutory reporting functions

INTERACTIVE DISCUSSION

HOW WELL ARE NATIONAL SINGLE WINDOWS OPERATING IN ECASBA
MEMBER STATES?

WHAT OTHER ISSUES NEED TO BE RAISED?

VETERINARY CHECKS ON CARGOES OF ANIMAL ORIGIN



- Directive 897/78/EC requires that all containers bringing cargoes of animal origin into the EU from elsewhere be subject to documentary checks if they remain at a transshipment port for 7 days and a full out-turn inspection if they remain for 14 days or more
- The documents must be originals, not copies
- The Directive does not recognise that modern reefer containers can easily hold their temperatures for extended periods so there is no need to inspect documentation or cargoes at these intervals
- ECASBA and ship owner organisations have argued these limits should be significantly extended

VETERINARY CHECKS ON CARGOES OF ANIMAL ORIGIN



- In direct meetings between DG-SANCO and ECASBA/ECSA, SANCO advised that no issues have been formally raised by ports or shipping lines
- Only two ports have taken advantage of the option to extend the documentary checks period for cargoes destined for non-EU ports to 14 days ...

So what is the problem??

How big is the problem??

VETERINARY CHECKS ON CARGOES OF ANIMAL ORIGIN



- The main issues for ship agents are the need to provide original documents as these tend to go directly to the final receiver, thus proving difficult and time consuming to get back to the transshipment port and ...
- When necessary to organise the out-turn inspections and cope with any issues of damage to the cargo being caused by out-turn inspections
- As far as how big the issue is, there is a lack of reliable data on the number of containers affected
- NAVES and VRC, representing Antwerp and Rotterdam, have been trying to get reliable data but it is proving difficult to do so.

VETERINARY CHECKS ON CARGOES OF ANIMAL ORIGIN



- So where are we now?
- DG-SANCO are not convinced of the need to reopen discussions with Member States on this point
- The maritime sector is unable to quantify the problem with any reliable data
- The ports do not appear to be concerned
- But ...

VETERINARY CHECKS ON CARGOES OF ANIMAL ORIGIN



- Transshipment of containers may be covered by the temporary storage regulations under the Union Customs Code, which allow for 90 days layover at a transshipment port
- A proposal has been put to the DTLF by the World Shipping Council supported by ECSA and ECASBA (Subgroup 1 Team 1, Survey Analysis on the Acceptance of digital transport documents by EU Member States) to allow electronic documents to be used for initial inspections
- So the problem may go away of its own accord

2017 COMMUNITY SHIPPING PACKAGE



- 2017 has been nominated by Transport Commissioner Violeta Bulc as the maritime year
- To mark this action, it is expected that a new EU shipping package will be proposed – possibly formally announced at European Shipping Week in March/April 2017
- The issues are likely to be included will to a significant extent be influenced by the responses to the Mid-Term Review of the Transport Strategy carried out in April 2015 (see below)

2017 COMMUNITY SHIPPING PACKAGE



- In summary the questions in the Review covered:
 - Maintaining the competitiveness of EU maritime services
 - Increasing the attractiveness of the maritime professions
 - Enhancing ship safety and safety of life at sea
 - Improving the environmental performance of the shipping sector
 - Enhancing maritime transport security
 - Promoting alternative fuels
 - Improving port efficiency
 - Promoting the benefits of short sea shipping
 - Identifying growth opportunities for peripheral areas
 - Simplifying administrative procedures
 - Promoting maritime research and innovation
 - Deploying and promoting digital services

2017 COMMUNITY SHIPPING PACKAGE



- ECASBA is already working on:
 - Increasing the attractiveness of the maritime professions
 - Improving port efficiency
 - Promoting the benefits of short sea shipping
 - Simplifying administrative procedures
 - Deploying and promoting digital services

INTERACTIVE DISCUSSION

WHAT OTHER ISSUES (ON THE LIST OR NOT) SHOULD ECASBA BE SEEKING TO HAVE INCLUDED IN THE 2017 COMMUNITY SHIPPING PACKAGE?

MID TERM REVIEW OF TRANSPORT STRATEGY to 2018



- Recognises the changes in the industry since 2009 and proposes amendments to the Strategy to ensure it remains relevant
- Changes include:
 - Bigger ships
 - Closer integration of and ports into the supply chain and vertical integration of major shipping lines
 - Green initiatives including alternative fuels, shore-side electricity
 - Concentration of more cargo in fewer ports
 - Ongoing issues with profitability (or better lack of it) of shipping worldwide

MID TERM REVIEW OF TRANSPORT STRATEGY to 2018



- Main areas covered:
 - Safety and Security
 - Digitalisation and Simplification
 - Environmental Sustainability and Decarbonisation
 - A Stronger Global Player
 - Raising the Profile and Qualifications of the Seafarers and Maritime Professions
- And taking those one by one.....

MID TERM REVIEW OF TRANSPORT STRATEGY to 2018



- Safety and Security
 - Adequately supporting and resourcing EMSA
 - 3rd Maritime Package on legislative compliance
 - Flag state compliance
 - Classification
 - Port State Control
 - Union Maritime Information and Exchange System “SafeSeaNet”
 - Places of Refuge
 - Accident Investigation
 - Passenger ship safety
 - Damage liability and compensation

MID TERM REVIEW OF TRANSPORT STRATEGY to 2018



- Digitalisation and Simplification
 - Better use of SafeSeaNet
 - Review of Reporting Formalities Directive – see above
 - Build on the Blue Belt initiative of 2013
 - Promote use of TEN-T and Connecting Europe Facility funding opportunities
 - Support Research and Innovation
 - Develop the e-Manifest
 - Enhance market access to Port Services (Port Package 4, or the empty box, depending on your viewpoint!)
 - Start work on modernising the State Aid Rules for Public Financing of Port Infrastructure projects

MID TERM REVIEW OF TRANSPORT STRATEGY to 2018



- Environmental Sustainability and Decarbonisation
 - Work towards “Zero waste, zero emissions”
 - Reduce greenhouse gas emissions through intelligent ship design (Enhanced Efficiency Design Index) for all new ships since 2013
 - Monitor, report and verify (MRV) CO₂ emissions
 - Review Port Reception Facilities Directive (see above)
 - Introduce the Baltic and North Sea Sulphur Emissions Control Areas
 - Establish the Digital Transport and Logistics Forum
 - Support the use of alternative fuels, shore-side electricity and allow ports to apply differentiated charges to greener vessels.

MID TERM REVIEW OF TRANSPORT STRATEGY to 2018



- A Stronger Global Player
 - Improve cooperation and coordination between Member States in IMO and ILO – thankfully no suggestion that the EU should speak for all Member States
 - Introduce and enhance bilateral and multilateral agreements to ensure a level global playing field
 - Replicate the EU China maritime transport agreement elsewhere
 - Expand the Free Trade Agreements regime, currently with Colombia, Peru, Korea, Ukraine, Moldova and Georgia and pending with Singapore, Ecuador, Vietnam and Canada. FTA's with USA and Japan are in the early stages
 - Strengthen European flags in line with the Community Guidelines for State Aid to Maritime Transport

MID TERM REVIEW OF TRANSPORT STRATEGY to 2018



- Raising the Profile and Qualifications of the Seafarers and Maritime Professions
 - Maintain high qualification standards and decent working conditions for seafarers
 - Introduce MLC 2006 and ensure compliance by EU flag states
 - Include seafarers in five EU labour law directives. Seafarers on EU flag vessels now have the same information and consultation rights as workers on shore
 - Introduce the Manila Amendments to the STCW Convention allow the mutual recognition of seafarers certificates
 - Provide tax and social cost breaks for seafarers
 - Support returning seafarers with enhanced education and training facilities

AND FINALLY, ALL CHANGE AT DG-MOVE



A number of changes to personnel at the Commission will see some of our best friends retire:

Acting Director of MOVE, Fotis Karamitsos will retire this month, as will Head of Unit B3, Ports and Inland Waterways, Dimitrios Theologitis and Trans European Network Coordinator José Anselmo

They will be replaced by Magda Kopczynska, Daniela Rosca and Wojciech Sopinski

We wish our colleagues a long and happy retirement and look forward to working very closely with Magda, Daniela and Wojciech

And now, over to Hilde for the Customs Report....

Customs Issues Update

London 18/10/2016

Hilde Bruggeman



10 minutes ... 10 slides

- UCC – a smooth transition
- UCC – a difference for trade?
- Customs infringements framework directive
- Fight against Papismedov
- CSM filing
- EU customs single window
- E-manifest pilot project



UCC – a smooth transition

- Not much changes in day to day practice:
 - old authorisations, still 28 administrations and their systems
- Phased implementation until 2020
 - important parts suspended until required new/upgraded IT systems at EU and MS level ready (ICS 2.0, PoUS)
- Legal framework finalized?
 - textual errors /more substantive changes / reparations, increase of soft law/guidance

Evolution and not revolution...
Work continues beyond 2020

UCC - a difference for trade?

- **Trade facilitation** tools not sufficiently used (yet)

CC, SBA, EIR, green lanes, customs-led one-stop at border...

- **AEO concept** to be re-invented

- esp. for service providers - what are the real benefits for AEOs?

- More **standardisation** /harmonisation needed
- More partnership with transport service providers
- Too much money spent on IT?
- Outdated once all IT projects will be ready?

Yes - but further improvement necessary

Proposal directive legal framework customs infringements

Goal = **to harmonise sanctions throughout EU**

Danger = Strict liability for misdeclarations in ENS /TSD
“without fault” (Negligence, intent...)

- Presentation Ms. Anaboli ECASBA seminar 2015
- Reporting HB ECASBA plenary 2015: “sidelined”

Has been **re-engineered**

- - not for criminal sanctions
- - mitigating /aggravating circumstances
- - **no strict liability (important principle!)**

is **on the agenda** for debate in the EP next Monday!!!

Fight against Papismedov

Misdeclaration in ENS/TSD

Strict liability for **carrier**

- Became law in UCC
- coordinated action Maersk / CMA / MSC
- monitored by ECSA



Liability for **agent** “who was /should have been aware”

- remains to be proven as per UCC
- Belgium courts cases are won but new ones → keep coming
- Undecided by Commission

CSM-filing

- Container status message to be sent by maritime carriers to OLAF
- Covers all import container movements, export container movements only for certain goods
- Obligatory as from 1/9/2016
- Central repository available to national customs

It's all about fighting customs fraud....

EU Customs Single Window

- Mid 2016
- mixed project group DGTAXUD, MS, trade
- to prepare legislative initiative for “EU customs single window”
- Link with other “single window” initiatives such as Maritime Single Window? European MSW?

... So many initiatives....

E-manifest pilot project / EMSW

- Reporting Formalities Directive did not go far enough
- Blue Belt initiative did not lead to legislative changes

Joint initiative **DGTAXUD/DGMOVE** + EMSA support

Will co-exist with present MSWs

Link with PoUS-system

Common interface for all ports

WCO datamodel / already compliant with Annex B

➔ **Unusual approach**

➔ **Many disbelievers, ECASBA is still following up**

**Thank you for your
attention!**

