

Commission Communication on a sustainable future for transport, COM(2009)279

As the largest independent international shipping association, with a membership composed of shipowners, managers, brokers, agents and many other stakeholders with vested interests in the shipping industry and transport, BIMCO is pleased to provide its input to the ongoing consultation on the above Communication from the Commission aimed at preparing the formulation in a future White Paper of the transport policy measures to be adopted in the next decade 2010-2020.

While acknowledging the need to establish clear and tangible policy measures for the European Transport Policy for the coming 10 years, BIMCO notes that this is obviously a very ambitious task and that it will be necessary to continuously monitor developments and needs of the sector in order to ensure that policy measures meet their objectives, also in view of the present state of economic instability which further stresses the need for targeted initiatives aimed at concrete deliverables. As far as maritime transport is concerned, factors such as shipping being a capital-intensive industry combined with slowdown in world trade and overcapacity cannot be ignored in formulating these deliverables.

BIMCO considers that policy objectives for any future transport policy should take into account the realities of the sector, including the international dimension of transport. As regards maritime, this is of course particularly so since 90 percent of world trade is carried by sea. The fact that, in addition to the 40 percent of intra-EU trade being waterborne, as much as 90 percent of EU external trade is carried by sea underlines the need for a global approach and greater coherence in regulatory matters. In general, all efforts to enhance liberalization of transport on a global scale, such as the WTO negotiations and bilateral agreements on market opening should be given appropriate emphasis, with a view to reaching a global level playing field in the provision of maritime transport services based on free and fair competition. The global economic crisis underlines the importance of these efforts, not only in relation to transport as such but also more generally on trade in goods, tariffs etc.

BIMCO cannot support the decoupling of transport growth from GDP growth referred to in point 16 as this is unrealistic, conflicts with the Lisbon strategy and ignores important elements of the sector. First of all, transport growth cannot and should not be decoupled from GDP growth as these two factors are intrinsically linked. At the same time, sustainable transport is not incompatible with increased transport; as far as maritime transport is concerned, efforts have already been taken to improve performance, e.g. on sulphur limits, and an increase in maritime transport taking such improvements into account would not be to the detriment of sustainability. More generally, improving the conditions for transport will permit it to continue to contribute to economic and social progress in a sustainable and coherent manner. On the other hand, restricting growth in transport would jeopardize economic growth as well as social cohesion. Generally speaking, the emphasis should not be on reducing transport, but on better transport to ensure that overall growth continues and that the environmental goals are achieved.

The Commission's recent Communications on a Future Maritime Policy 2009-2018 and on a European Maritime Space without Barriers identifying a number of priority areas which will be of key importance for the future of the maritime sector should be given greater emphasis. They are merely mentioned in relation to the Motorways of the Sea and Short Sea Shipping (point 68), but the strategic goals contained therein are much wider and worth taking forward also in the present exercise. Especially the aim of removing unnecessary administrative barriers etc. brought forward in the Communication on a European Maritime Space without Barriers is strongly supported, although genuine success in this field will necessitate amending not only phytosanitary, environmental and other rules but, in particular, the Community Customs Code. Also the main strategic goals in the Communication on a Future Maritime Policy 2009-2018 should be guiding

principles for any future policy of the EU in the maritime domain. On a related issue, the importance of removing bottlenecks as mentioned in point 64 is considered essential as far as ports are concerned. The roadmap, which Member States asked the Commission to produce for implementing the 2018 Strategy, will be a first tangible step in achieving the goals proposed by the Commission.

One of BIMCO's core missions is to promote higher standards internationally as regards safety and security. These issues should obviously remain high on the agenda of the future transport policy in order to ensure a sustainable and reliable transport sector, energy supply, international trade and environment. As far as shipping is concerned, the adoption of the 3<sup>rd</sup> EU Maritime Safety Package seems to put an end for the immediate future to new legislative actions and the focus should now be on proper implementation. BIMCO strongly believes that a global sector requires global legislation and that any future legislative actions should be fully compatible with international rule making. Security should obviously remain high on the agenda of all parties involved in the transport chain, while efforts to combat piracy needs to be given even more urgent attention in order to find means to effectively deter piracy attacks and create safe conditions for trade in all areas of the world.

The human element should also continue to be a key issue for the future European Transport Policy. In the maritime domain, objectives should cover recruitment, training and education, as well as fair treatment. Initiatives such as the ILO maritime labour convention and incentives to improve the image of shipping should be continuously supported and given appropriate attention. Fair treatment is a central issue relating to seafarers working on board ships and more should be done to promote this as an essential requirement to which all seafarers are entitled. In relation to investigations into maritime accidents and incidents, the IMO Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (the Casualty Investigation Code), which will enter into force on 1 January 2010, should be promoted and respected. It goes without saying that endeavours to support recruitment of people to seafaring careers are still essential, even though the present economic downturn has reduced the shortfall in qualified seafarers. With world trade expected to rise again significantly in the medium term, policy objectives covering the next 10 years should of course take this problem into account. The mandate for the planned Task Force on EU seafarers and competitiveness should emphasise the need to maintain an international perspective and avoid any discrimination based on nationality or flag.

It goes without saying that environmental issues and the aim of reducing greenhouse gas emissions are a common concern which needs to be taken seriously. Although results of the upcoming UNFCCC COP15 climate conference in Copenhagen are not yet known, it should be recalled in relation to shipping that this sector is one of the best performers on emissions, in particular, in relation to carbon. This being said, there is a clear need for the IMO to push for the delivery of further improvements on carbon emissions following the far-reaching decisions on sulphur in the context of MARPOL Annex VI in October 2008. BIMCO believes that a solution for the shipping sector should be found globally in the IMO, including the possibility of establishing a global compensation fund, and that a future European Transport Policy should reflect and support such solutions.

Finally, BIMCO entirely agrees with the aim expressed in point 69 of making transport documents electronic and multi-modal as these are the facts of life in the modernized world of today even if the regulatory framework has not followed suit yet. In this regard, the new UNCITRAL Convention on liability for carriage of goods by sea (the so-called Rotterdam Rules) constitute a balanced and worthy replacement for the scattered set of existing regimes (Hague, Hague-Visby, COGSA etc.) taking the interests of all parties into account, while containing the necessary provisions to be employed in future transport contracts of carriage. BIMCO therefore strongly supports the Convention and

notes with satisfaction that 16 States, including the US and 6 EU Member States, have signed up to the new rules on 23 September on the occasion of the official signing ceremony held in Rotterdam. The fact that the US and other main trading and shipping nations have showed their clear support for the Rotterdam Rules demonstrates the importance of the Rules and underlines that any divergent regional solution – such as from the EU – should imperatively be avoided as it would continue today's fragmented approach and jeopardize the realistic possibilities of the Rotterdam Rules achieving global recognition. In the light of the support expressed by relevant EU Member States, a future objective for the European Transport Policy could therefore be to ensure rapid implementation of the new Convention, including ratification by all EU Member States, in order to be on the frontline. It should be noted that shippers in Asia and especially the US have spoken in favour of the Convention.

We are available for further comments and clarifications and are prepared to contribute actively to the future work formulating policy measures for the EU transport sector.

Best regards

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