

Minutes of the Maritime, Road and Rail Policy Group Meeting

Minutes of the Customs Policy Group Meeting held at The Baltic Exchange, 38 St Mary's Axe, London, EC3 8BH. The Meeting was held on the 20/06/2018 commencing at 10.30 hours.

Agenda item 1, Competition Statement

BIFA's Competition Statement as detailed on the Agenda was read out by the Chair at the start of the meeting.

Agenda item 3, Agree Minutes of the meeting of the 14th February 2018

These were agreed as an accurate record of the meeting and signed by the Chair

Agenda Item 4, Matters arising from the meeting of 14th February 2018

AP 1. Agenda Item 5, Market Matters-Road

No Members of the Surface PG had passed on their concerns regarding the Mobility Package to the BIFA Secretariat.

AP 2. Agenda Item 5, Market Matters - Road

BIFA Secretariat had re-forwarded the NAVCIS vehicle incident form to the Surface PG.

Regarding the number of physical examinations undertaken at Felixstowe , BIFA agreed to request MCP to release the information, however the Regional Consultant was made responsible to find out whom in HMRC would be written to authorise the release of data.

Agenda Item 5, Market Matters

This Agenda item will be covered by e-mailing Members the relevant documents

Agenda Item 6, IT and Customs matters

After a presentation on the subject on the two proposed Customs Models which are:-

- A highly streamlined approach – maximum facilitation
- Future Customs Partnership – the UK to align and integrate its customs procedures with the EU.

The second option aligned most closely with BIFA's position to retain something as close as possible to the UK's current membership of the Single Market and Customs Union.

There was a discussion regarding the "Norwegian Model" where trucks were cleared relatively quickly, however it was noted that:-

- Norway via its membership of the EEA was a member of the Single Market and declarations were not submitted at the frontier.
- Traffic levels were considerably lower than the 16,000 daily crossings of the Dover Straits.

Members stated that they would not commit any money to additional resources until they knew exactly what the deal is. Even then, due to the costs involved expansion of services would be limited to an amount that they felt comfortable funding. Two points that were repeatedly discussed were the cost of deferment and transit guarantees, which were seen as major financial inhibitors of expansion.

BIFA has always argued for a FTA plus postponed VAT accounting to offset these costs. Eventually a very simple question was asked, do the attendees favour a customs model that:-

- Requires a frontier declaration ?
- Or does not require a frontier declaration ?

The 22 attendees all voted for the second option, whilst this is not an official BIFA position because the Customs Policy Group has competence in this area, and we will ask them the same question on the 25th July.

It was noted that due to a lack of clarity that it was very unlikely that the necessary systems would be in place to when the UK left the EU, whether that date be March 2019 or December 2020. It was noted HMRC were increasing the capacity via introducing the Customs Declaration Service (CDS) and upgrading CHIEF.

There were ongoing discussions, which BIFA had encouraged at an early stage regarding introducing a form of Self-Assessment to separate the frontier from the fiscal declaration.

Agenda Item 7, Verbal Regional Consultants Reports

Scotland

A service between Mossend to Glasgow had been introduced
The Rosyth to EU ferry service had ceased.

North West

Peel Ports were supporting an initiative to create a "Northern Band Free Port Band" between the Humber and Liverpool.

Anglia

The delays and extra work caused by the implementation of the new computer system at Felixstowe were discussed. It was noted that vessels were diverting to London Gateway of Southampton.

Solent

- The port had ordered 2 new cranes and 12 straddle carriers
- The in-gate area was being re-configured in part due to health and safety concerns
- A new BIP was being constructed to house Environmental Health and Border Force
- BIFA had organised a training day for apprentices on the 14th August at the port
- The average turnaround time for loading vehicles as 36 minutes
- CNS were focussing their efforts on the implementation of CDS

Agenda item 8 – Definition of a package under Hague Visby Rules

The decision of the Court of Appeal is a landmark decision that upholds the judgment of the Commercial Court and confirms that for the first time in English law we now have clear authority for the following:-

- The Hague-Visby Rules will compulsorily apply when the contract of carriage requires the issue of a bill of lading and/or entitles cargo interests to demand the issue of a bill of lading, even if (in the absence of any variation, waiver or estoppel) a sea waybill is in fact issued.
- The definition of 'unit' in the Hague Rules and Hague-Visby Rules is the same and the large pieces of tuna in this case were "units" for the purpose of both.
- To qualify as a 'package or unit enumerated in the bill of lading as packed in [a container]' (Article IV, Rule 5(c) of the Hague-Visby Rules), it is sufficient that the physical items of cargo are accurately stated in the bill of lading and there is no additional requirement that the physical items must be described '*as packed*'.

Agenda Item 9 Overview of the Mobility Package

The meeting heard a presentation prepared by CLECAT which explained the main elements of the Mobility Package.

Agenda Item 10 Dangerous Goods and container loading

The meeting was advised that the Maritime and Coastguard Agency (MCA) had increased their inspections of containers loaded with dangerous goods. Faults had been found with the contents of approximately 25% of all inspected containers

Agenda Item 11 Date and Venue of the next meeting

The next scheduled meeting is due to be held at the Baltic Exchange on the 12th September

The meeting concluded with a presentation on the new Customs Declaration Service

Note:- Presentations can be viewed at <https://www.bifa.org/about/policy-group-presentations>