



The 2013 European Ports Policy

European ports:

an engine
for growth

A stylized white illustration of a port crane. The crane's arm is raised and holds a small European Union flag. The crane is positioned to the right of the text "an engine" and "for growth".

Communication on EU Ports Policy and
Proposal for a Regulation on Market Access to Port Services and
Financial Transparency of Ports – May 2013

**Dimitrios Theologitis – Head of Unit
Ports & Inland Navigation, European Commission DG MOVE**



European
Commission

Why ?

TEN-T CORE NETWORK & CORRIDORS

RAILWAYS AND/OR INLAND WATERWAYS



- BALTIC-ADRIATIC
- WARSZAWA-BERLIN-AMSTERDAM/ROTTERDAM-FELIXSTOWE-MIDLANDS
- MEDITERRANEAN
- HAMBURG/ROSTOCK-BURGAS/TR. BORDER/PIRAEUS-LEFKOSIA
- HELSINKI-VALETTA
- GENOVA-ROTTERDAM
- LISBOA-STRASBOURG
- DUBLIN-LONDON-PARIS-BRUSSEL/BRUXELLES
- AMSTERDAM-BASEL/LYON-MARSEILLE
- STRASBOURG-DANUBE
- OTHER CORE NETWORK SECTIONS

74% of EU trade goes by ship.

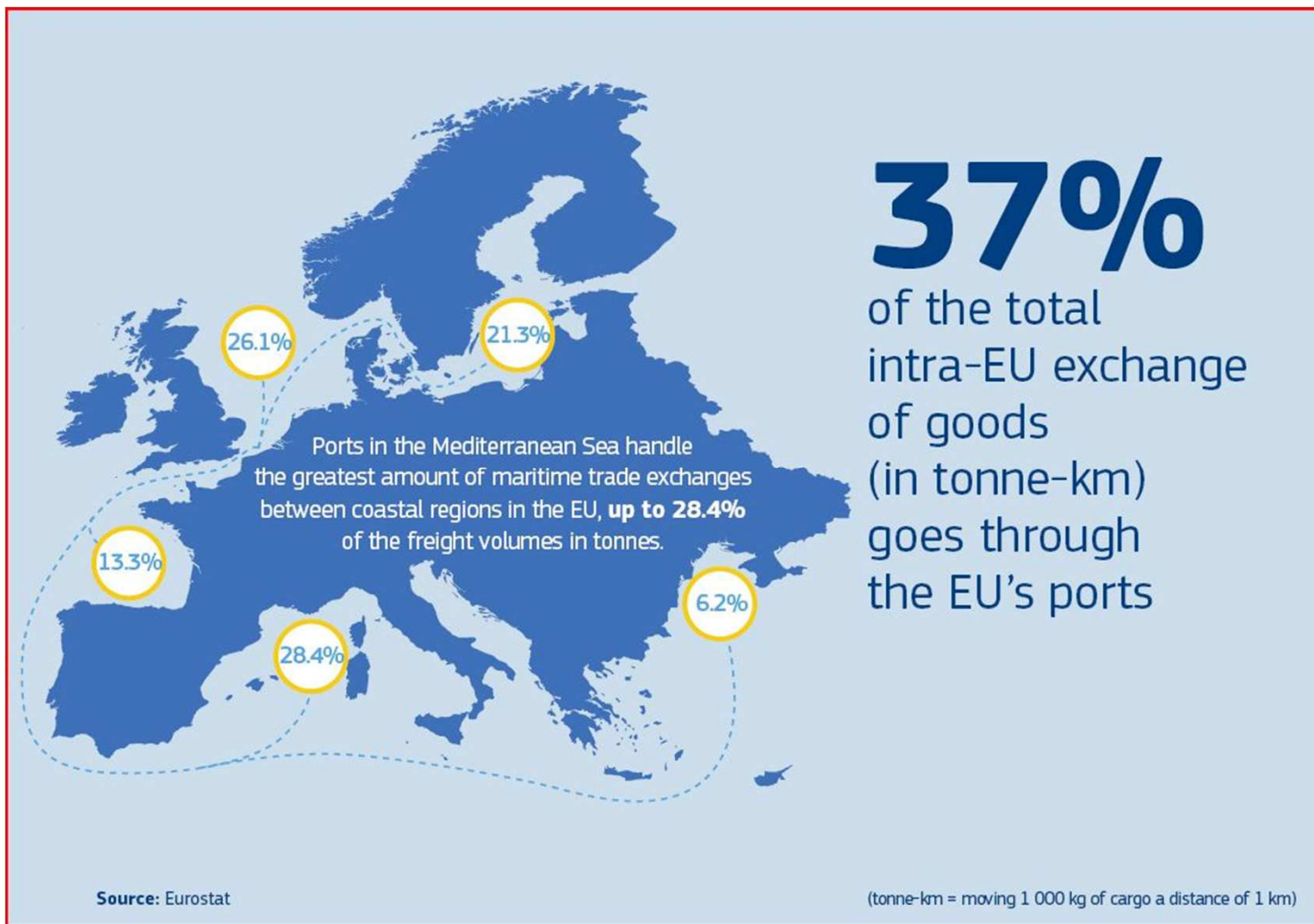
Ports in Europe are directly connected to **848** ports in the Far East and **629** in Central and South America.



Source: ESPO, European Port Performance Dashboard, 2012



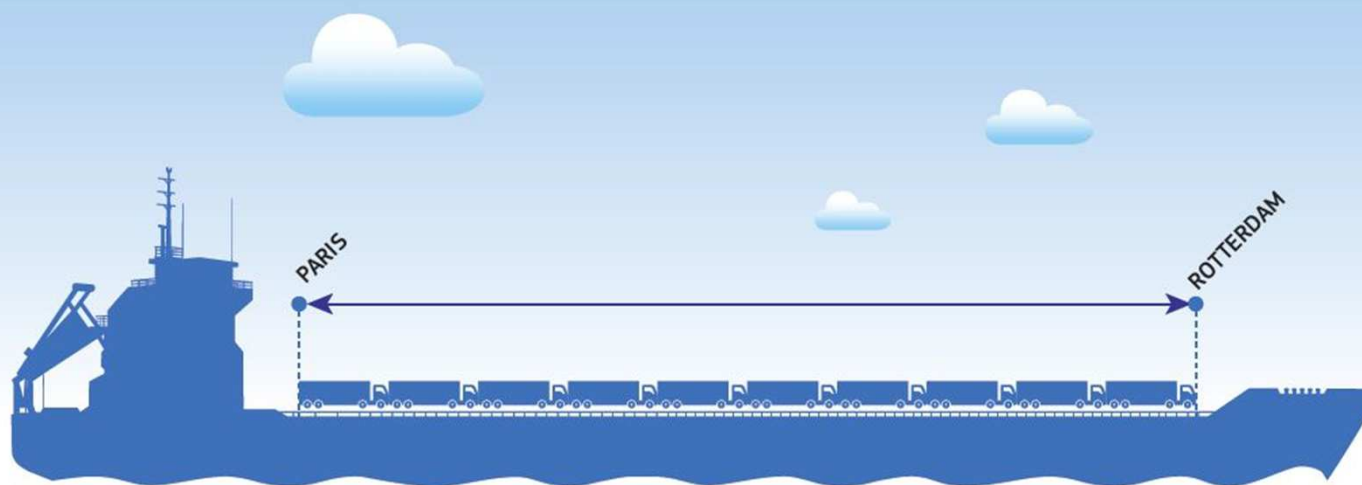
European
Commission





European
Commission

In 2015 some ships will have a capacity of 18 000 TEU. This is the equivalent of a continuous lane of heavy goods vehicles **from Paris to Rotterdam.**

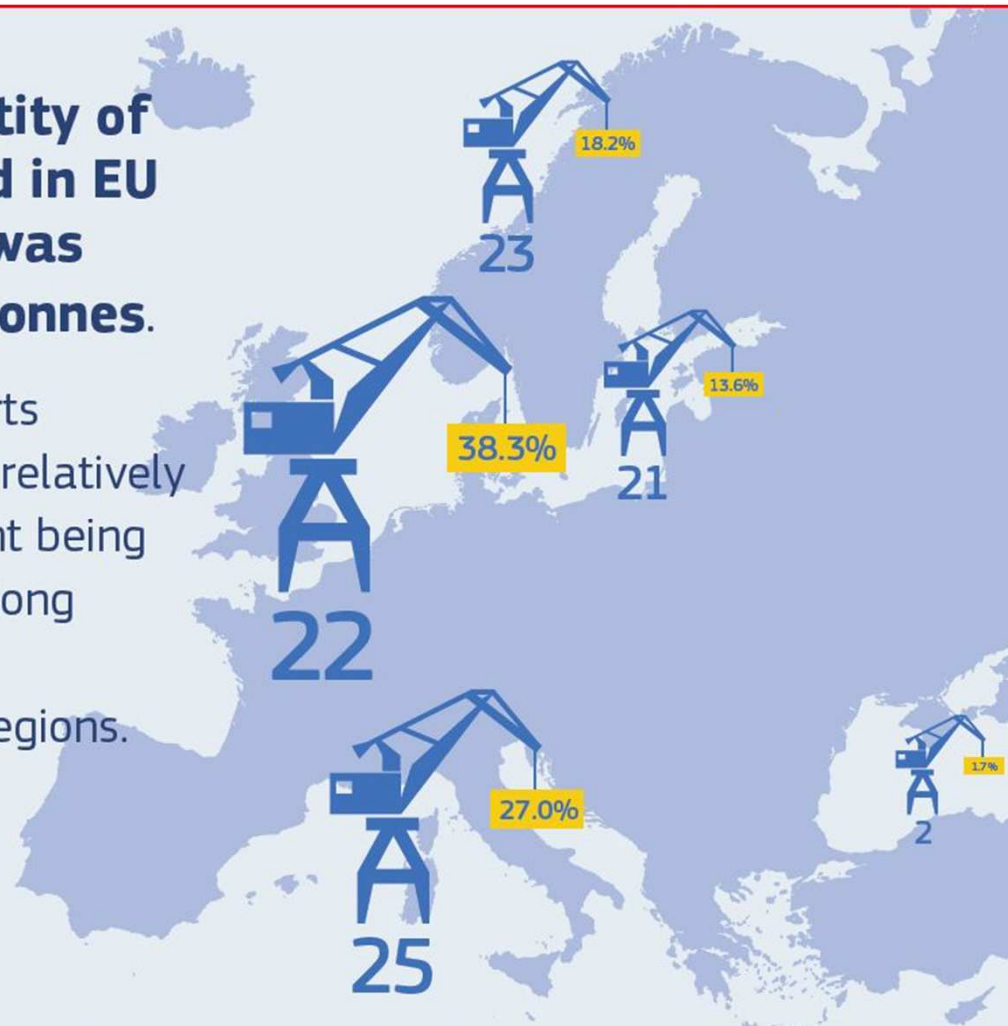


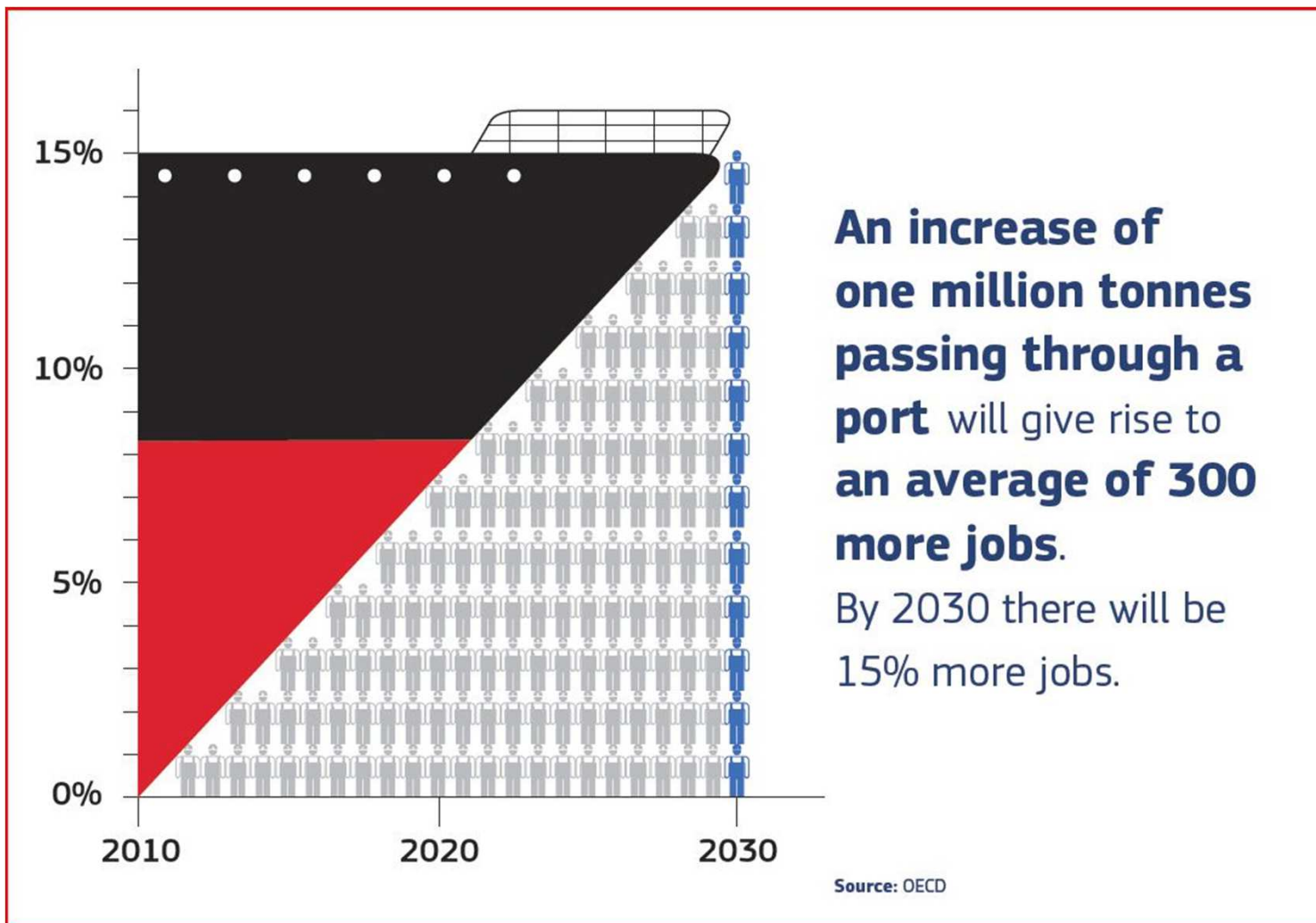
(TEU = twenty-foot equivalent unit, a measure used for capacity in container transportation)

The total quantity of freight handled in EU ports in 2010 was 3 641 million tonnes.

North Sea core ports dominated, with a relatively low share of freight being handled in ports along the Black Sea or in the outermost regions.

Source: Eurostat







European
Commission

20% of traffic in the EU
is handled by only 3 ports.

**By 2030 traffic
is predicted to
rise by 50%.**



**REDUCE
UNCERTAINTY**

Source: Impact Assessment accompanying the proposal for a Regulation establishing a framework for market access to port services and financial transparency of ports, 2013



In practice we need to:

Improve hinterland connections

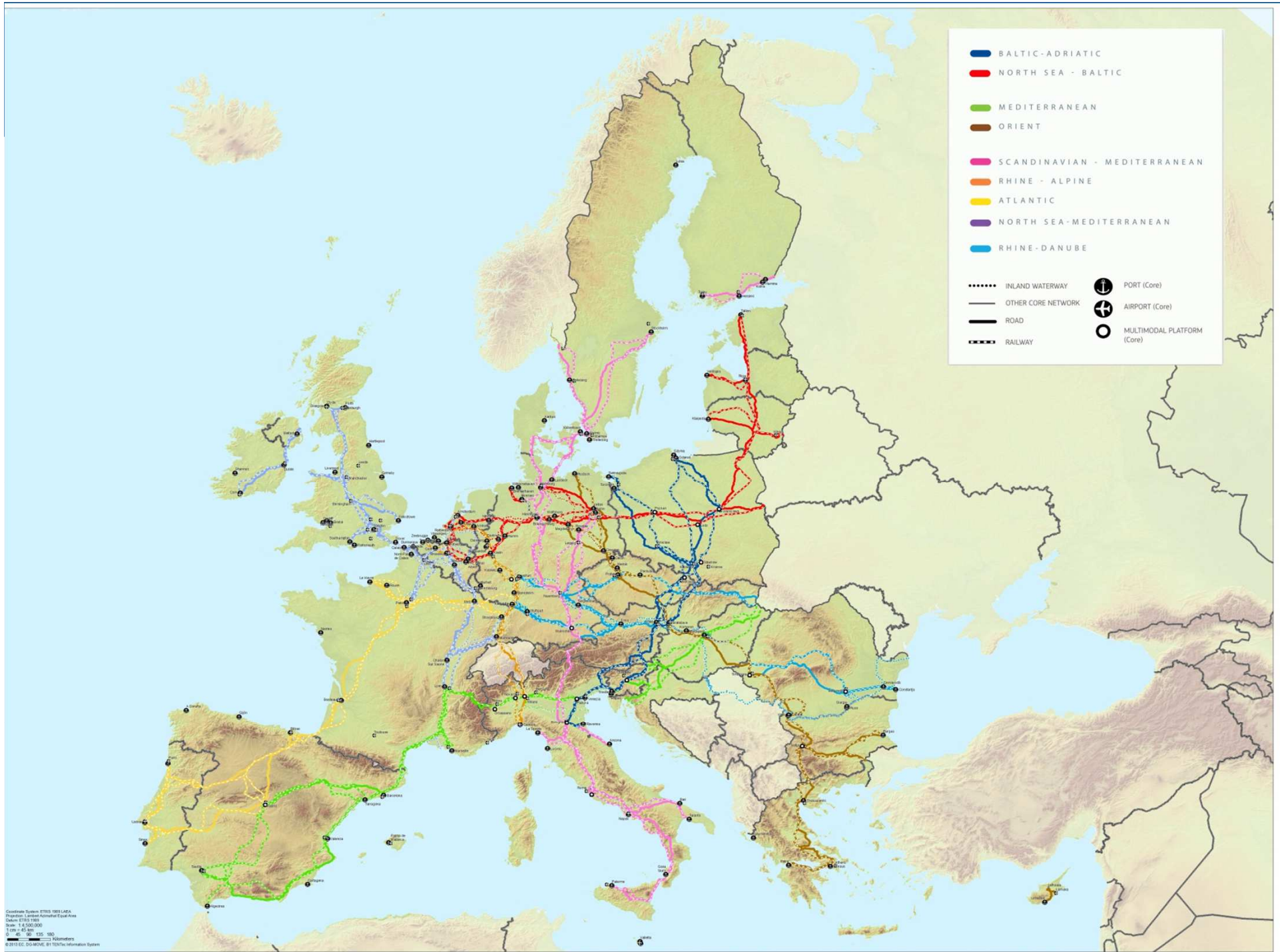
- **Work with TEN-T corridors and CEF**
- **Develop strategic planning of transport system**

Fully optimise port services

- **Make best use of existing ports**
- **Reduce administrative burden**

Create confidence to attract investments

- **Create legal certainty**
- **Establish a level playing field**



█ BALTIC-ADRIATIC	
█ NORTH SEA - BALTIC	
█ MEDITERRANEAN	
█ ORIENT	
█ SCANDINAVIAN - MEDITERRANEAN	
█ RHINE - ALPINE	
█ ATLANTIC	
█ NORTH SEA-MEDITERRANEAN	
█ RHINE-DANUBE	
..... INLAND WATERWAY	● PORT (Core)
— OTHER CORE NETWORK	⊕ AIRPORT (Core)
— ROAD	○ MULTIMODAL PLATFORM (Core)
- - - RAILWAY	

Coordinate System: ETRS 1989 LAEA
 Projection: Lambert Conformal Equal Area
 Datum: ETRS 1989
 Scale: 1:4,500,000
 1 cm = 45 km
 0 45 90 135 180 Kilometers
 © 2013 EC. Drawings: BR 12010 Information System



European
Commission

North-Sea-Baltic Core Network Corridor



0 100 200
km

Name: Corridor_B

Date: 10/06/2013

Transport



European
Commission



Baltic-Adriatic Core Network Corridor

0 100 200
km

Name: Corridor_A Date: 10/06/2013



European
Commission

Orient/East Med Core Network Corridor



0 100 200
km

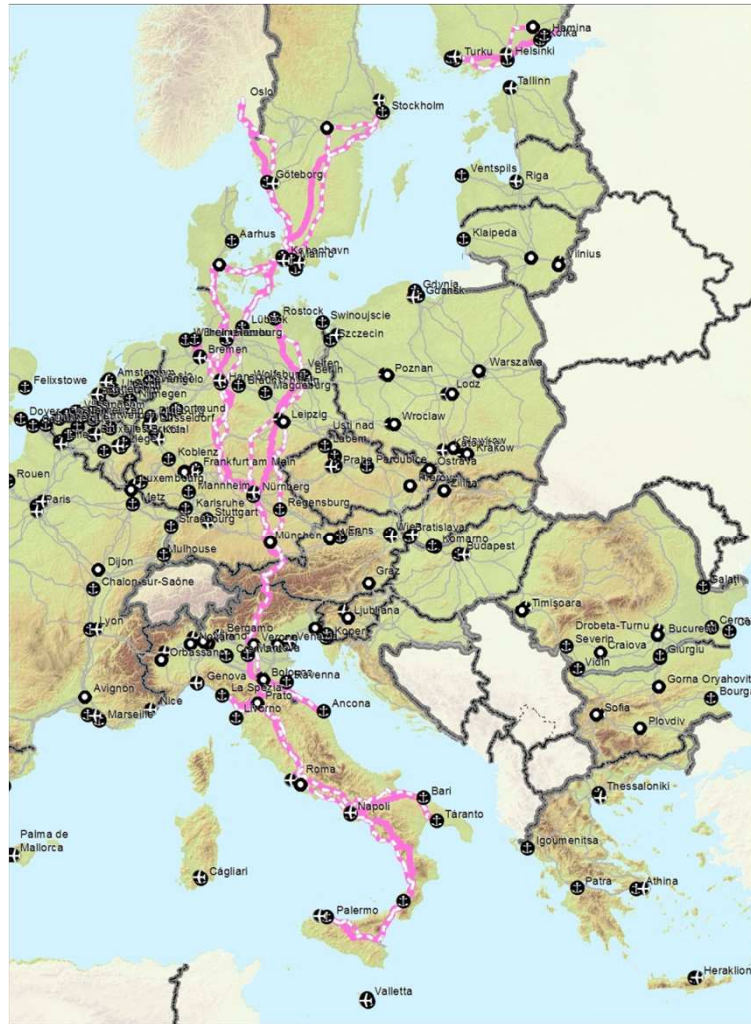
Transport

Name: Corridor_D

Date: 07/06/2013



European
Commission



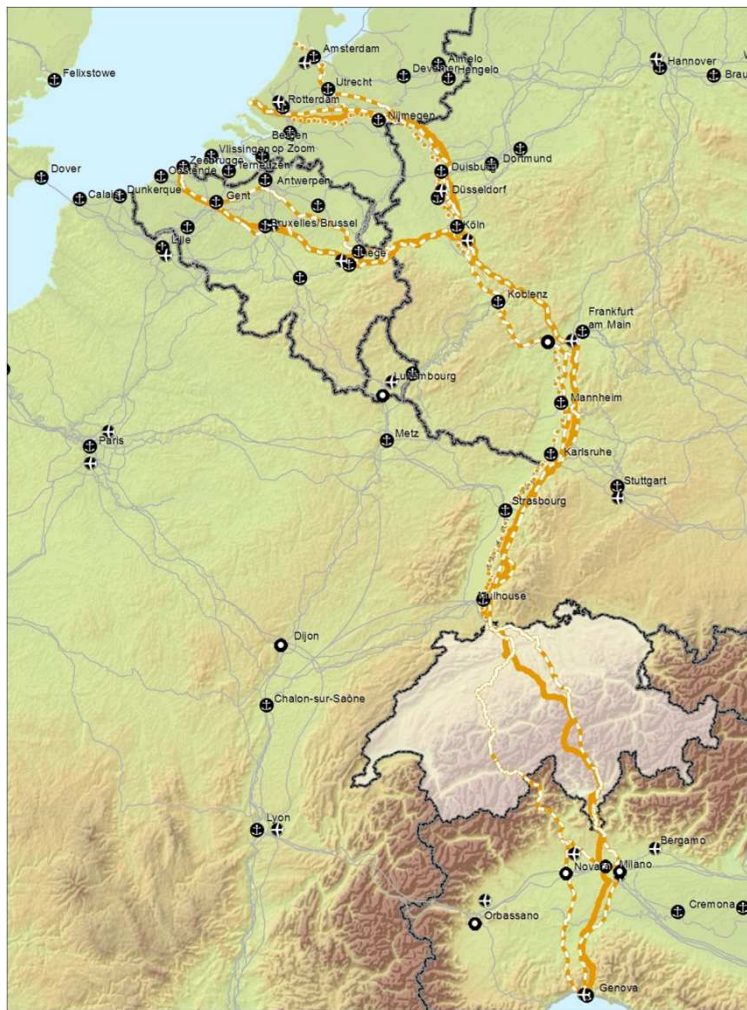
Name: Corridor_E Date: 07/06/2013

Transport

Scandinavian – Mediterranean Core Network Corridor



European
Commission



Rhine – Alpine Core Network Corridor



European
Commission



Name: Corridor_H Date: 07/06/2013

Transport

North Sea – Mediterranean Core Network Corridor



European Commission

Rhine – Danube Core Network Corridor



0 100 200 km

Transport

Name: Corridor_1

Date: 10/06/2013



European
Commission

Atlantic Core Network Corridor



Name: Corridor_G

Date: 07/06/2013



European
Commission

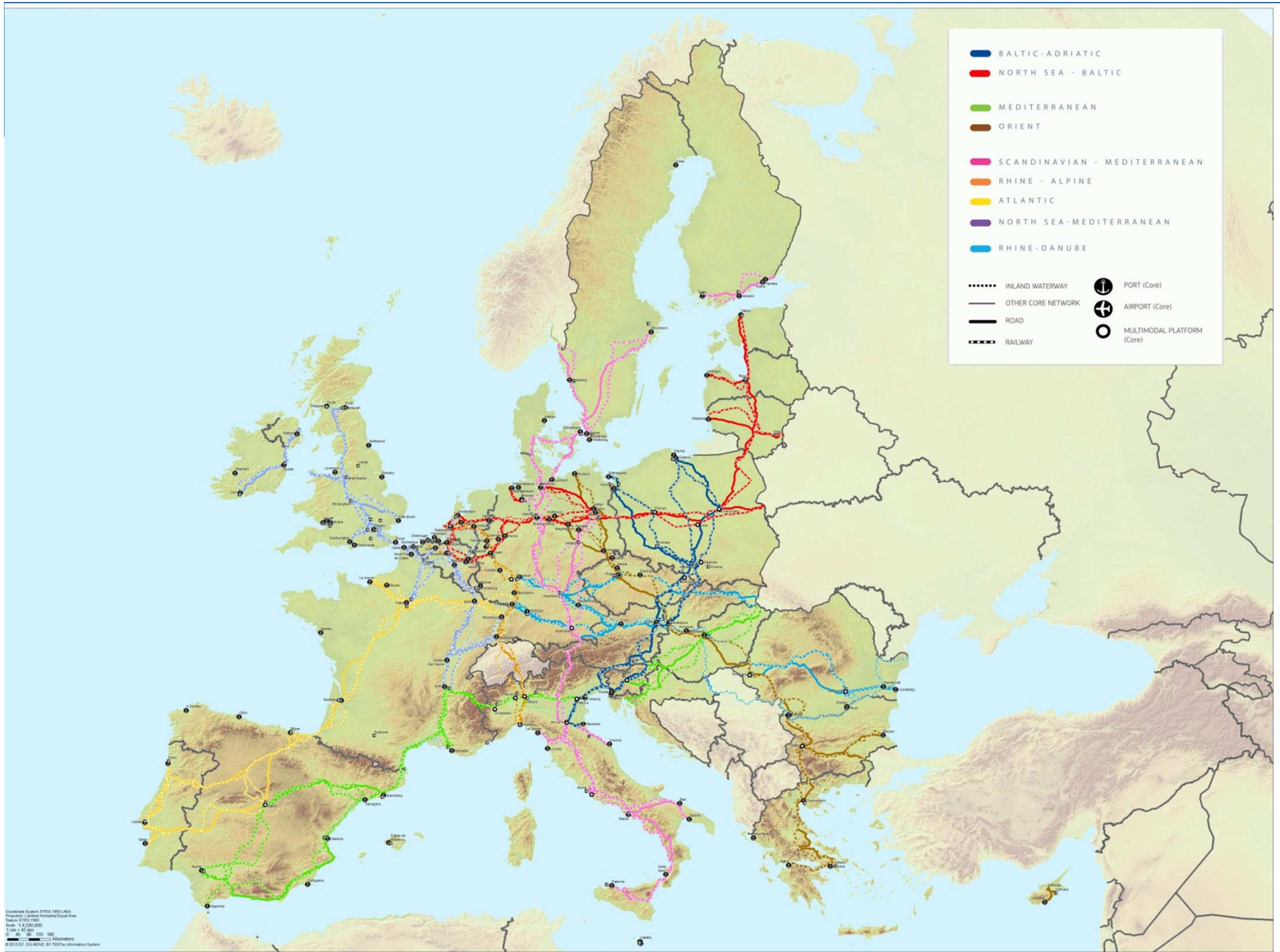
Mediterranean Core Network Corridor



0 100 200
km

Name: Corridor_C

Date: 07/06/2013



█ BALTIC-ADRIATIC	
█ NORTH SEA - BALTIC	
█ MEDITERRANEAN	
█ ORIENT	
█ SCANDINAVIAN - MEDITERRANEAN	
█ RHINE - ALPINE	
█ ATLANTIC	
█ NORTH SEA-MEDITERRANEAN	
█ RHINE-DANUBE	
..... INLAND WATERWAY	● PORT (Core)
— OTHER CORE NETWORK	⊕ AIRPORT (Core)
— ROAD	○ MULTIMODAL PLATFORM (Core)
- - - RAILWAY	

Coordinate System: ETRS 1989 LAEA
 Projection: Lambert Conformal Equal Area
 Datum: ETRS 1989
 Scale: 1:4,500,000
 1 cm = 45 km
 0 45 90 135 180 Kilometers
 © 2013 EC. Drawings: BR 1201The Information System



From Common Space without Barriers → To Blue Belt

Reduce administrative burden

- **Reporting formalities directive – the birth of European standards for single windows and Port Community Systems**
- **Use of SafeSeaNet traffic monitoring for customs purposes**
- **Blue Belt concept for intra-EU traffic – customs facilitation**
- **Third country call facilitation based on e-Manifest**



A long process...

Consultations with **all** interested parties

- Associations – European and national
- Port authorities
- Member States
- Interest groups

Extensive and repeated, over **two** years

Detailed Impact Assessment



A Communication

- Sets the scene
- Introduces soft measures

A proposal for a Regulation

- To provide level playing field,
free from interpretations
- To reduce administrative burden
For both Member States and
Commission



Also soft measures (not only legislation)

- **Selection criteria for TEN-T funding of projects**
- **Application of Concessions Directive and Treaty rules for cargo-handling and passenger services**
- **Blue Belt**
e-Maritime
e-Freight
- **Modernisation of state aid rules**
- **Social dialogue – take stock of progress in 2016**
- **Environmental charging principles**
- **Promotion of innovation and research**



Research and innovation in ports

Develop a vision for **Horizon 2020!**

Numerous challenges

- **Environment**
Waste, sediments, assessments, charging
- **Infrastructure**
Vessel size, automation, planning
- **Human**
Training, qualifications (**PORTRAITS**)
- **Legal, economic, human**
Planning, procedures, modelling, training
- **Traffic management, benchmarking**
Flows, monitoring, **Observatory!** (**PORTOPIA**)



The Regulation (4 Chapters)

I. Subject matter, scope and definitions

II. Market access

III. Financial Transparency and Autonomy

IV. General and final provisions

I.

Subject matter, scope and definitions

Scope

All 319 TEN-T ports

- Core
- Comprehensive

8 Services covered

- Bunkering
- Cargo handling
- Dredging
- Mooring
- Passenger services
- Port reception facilities
- Pilotage
- Towage

II.

Market Access



Freedom to provide services applies to ports



The 4 possibilities to restrict

- 1. Minimum requirements**
- 2. Limitation of the number of providers**
- 3. Public service obligations**
- 4. Internal operator**

Minimum requirements

Safeguard for the provision of quality services

- Professional qualifications
- Equipment
- Safety, security
- Environmental requirements

Procedure



Limitations of the number of service providers

Scarcity or reserved use of land

- **According to the formal development plan of the Port Authority**

Public service obligations

Obligation to publish in advance

Resolution of the case of conflict of interest

Transparent procedure

- **Selection, thresholds, substantial modifications as per Concessions/Public Procurement directives**



Public service obligations

Availability of service over time

Availability of service to all users

Affordability of service

Procedure in case of disruption of service

- **Emergency measures up to 1 year**

Internal operator

If service declared of public interest

- By a competent authority (e.g. a Ministry, a Port Authority)

Either internal to the competent authority

Or competent authority exercises control similar to that of its own departments

Confinement



Safeguarding of employees rights

No change in social or labour rules

Respect of rules for transfer of undertakings

Transparency in case of compliance with social standards

...and...

...The chapter on Market Access (and article on transitional measures) does not apply to cargo handling and passenger services

- **Concessions directive**
- **Social dialogue**
- **Political choice**

Report on regulation three years after entry into force

III.

Financial transparency and autonomy



Transparency of financial relations

In case a Port Authority receives public funds, accounts have to show:

- **Public funds made given directly or made available through intermediaries**
- **The use of these public funds**

Information to be kept available to authorities (no publication requirement)

Similar to 2006 transparency directive already applicable for PAs > €40M

Port service charges

Transparency for those cases where

- **Services provided by internal operator**
- **De jure limitation of number of providers and choice of providers not made following transparent and non-discriminatory procedures**

Charges to reflect

- **Conditions of competitive relevant market**
- **Not disproportionate to the economic value**



Port infrastructure charges

Port infrastructure charges shall be set by the Port Authority – Autonomy!

Transparency about structure and criteria

- **Information to users – changes to be announced 3 months in advance**

Variation possibility for charges

- **Frequent users**
- **Efficient use of infrastructure**
- **Short sea shipping**
- **Environmental performance**

IV.

General and final provisions



Consultation

Annually, of port users

- **Paying users, "port users' advisory committee"**
- **Of PA on infrastructure charges**
- **Of service charges where limited or internal service providers**

"Regularly", of other stakeholders

- **Coordination of port services**
- **Efficiency of hinterland connections**
- **Efficiency of administrative procedures**



Independent supervisory body

Legally distinct and independent from PAs

No need for new structures

- **In most cases the MS competition authority**
- **Or new "regulators" as in few MS**

Handles complaints and settles disputes

A measure to reduce administrative burden

Keep disputes out of courts

Cooperation between MS supervisory bodies



Standard final provisions

Appeals, penalties, report

Delegated acts

- **Designation of international environmental ship standards to vary charges**

Implementing acts

- **Similar to previous "comitology"**
- **For cooperation between supervisory bodies**

Transitional measures

- **Existing "transparent" contracts valid**
- **"Non-transparent" expire on 1.7.2025**

In short

A balanced proposal

- **Market access vs public service**
- **Autonomy vs transparency**

Introduces legal certainty

Guarantees a level playing field

Does not introduce bureaucracy

- **All bodies, (nearly) all procedures already exist**

Codifies best practice

Gives to PAs a "toolbox"

- **To accommodate local circumstances**



An open business model for ports

Empowers Port Authorities

- **cf. ESPO "Renaissance of port authorities"**

Gives PAs flexibility in terms of

- **Commercial strategy**
- **Long-term investments**
- **Competitive conditions of relevant markets**

Helps PAs develop a strategic vision using the opportunities of the TEN-T



European
Commission

European ports:

an engine

for growth



dimitrios.theologitis@ec.europa.eu