



A competitive port system for a competitive Europe

**Assoporti General Assembly
Rome, 22 July 2015**

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Disclaimer!

- **The Commission has no competence to intervene**
 - ❖ In port organisation systems
 - ❖ In port ownership structures
 - ❖ These are up to the Member States to decide
- **Commission supervises the application of the European Treaties**
 - ❖ A matter of principles
 - ❖ Application of case law
 - ❖ Best practice



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Ports Policy Review

- Part of the EU growth strategy and Structural Reforms that the EU is promoting
- A mix of non-legislative and legislative measures based on a **Policy Communication**, explaining the overall strategy proposed by the Commission, and a **proposed Regulation**

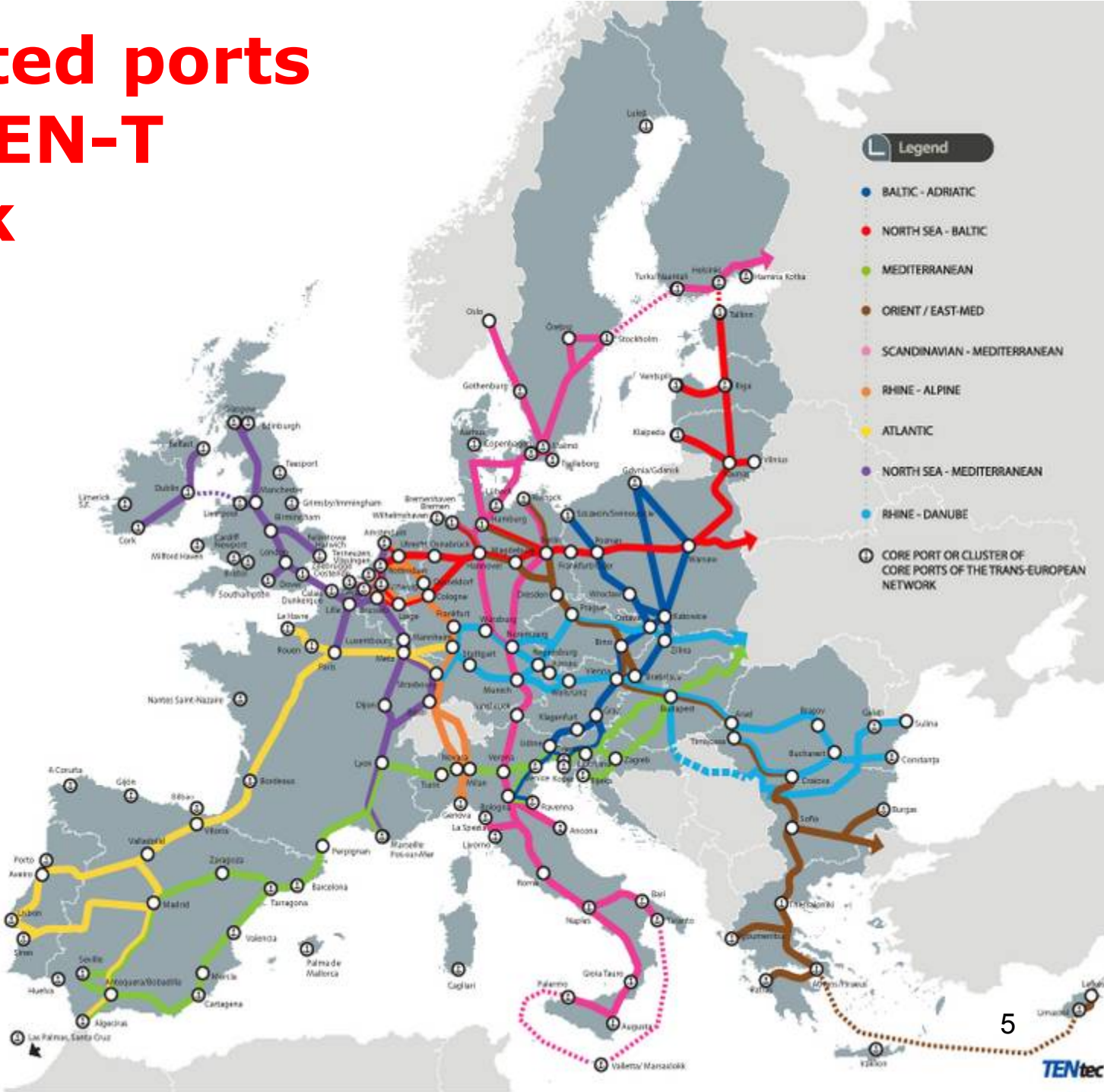


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The European response

- **Infrastructure**
 - State aid issues
- **Transparency and equal opportunities**
 - Services
 - Accounting
- **Autonomy**
- **Legal certainty**
- **Social aspects**
- **Innovation**
- **Environmental issues**
- **Logistics**

Integrated ports in the TEN-T network





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A case study in balance

- **How was it created**

- ❖ Connect major consumption and production points
- ❖ Connect major entry and exit points – the ports!
- ❖ According to the main flows of goods and passengers
- ❖ Creation of corridors

- **The mechanism**

- ❖ Member States communicated their needs
- ❖ Factual analysis
- ❖ Adoption of work plans – information of most relevant investments for corridors
- ❖ Appointment of European Coordinators for each TEN-T corridors



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Keyword: **coordination**

- **At what level**

- ❖ Coordination is necessary for **public investments**
- ❖ Certainly between EU and Member States
- ❖ But also internally between State and Regions
- ❖ Between Regions and ports

- **Which functions**

- ❖ Major public investments in infrastructure
- ❖ Need for a public investment plan

- ❖ What about **private investments?**
- ❖ Transparency



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Private infrastructure investments, concessions and autonomy

- **Autonomy**

- ❖ Ports should be able to develop their own commercial strategies
 - ❖ As long as they are not involving public funding
- ❖ Charging principles
 - ❖ Freedom to set port charges

- **Concessions – terminals and services**

- ❖ Local, regional or central level?

- **Revenues**

- ❖ Centralised rebalancing systems – issues of State Aid
- ❖ Corporate taxation



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Separation between public and private functions

- **Ports fulfill both public and private functions**
 - ❖ In varying degrees
- **Actors need to have clear roles**
 - ❖ Safety, security, environmental protection
 - ❖ Management of the port
 - ❖ Port services
 - ❖ Public service obligations
- **Public functions can be delegated to private entities**
 - ❖ But the reverse is more unusual



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Principles: Transparency and organisation of port services

- ❖ Transparency: in case of public funding and in monopoly situations
- ❖ Organisation of port services: A description of principles
 - Free access
 - Quality criteria
 - Public service obligations
 - Restriction of the number of providers (with transparent selection)
 - Internal operator
- ❖ Mechanism for complaints and user consultation



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National development of the TEN-T principles: **Logistics**

- **The move towards larger management areas**
 - ❖ From national to European systems
 - ❖ From individual ports to regional port and logistics systems
 - ❖ Important for the allocation of public investments
 - ❖ State aid rules
- **New challenges**
 - ❖ Local vs regional challenges
 - ❖ Financial and administrative



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Commission action on logistics

- **Major study – call for tender published**
 - ❖ Study on logistics and development potential of European ports
 - ❖ Analysis of traffic flows
 - ❖ Optimisation of corridor philosophy
 - ❖ Insights into cooperation models
 - ❖ Untapped potential
 - ❖ Case studies

- ❖ No legislative action



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Need to accelerate port services regulation

- **After successful Italian Presidency**
General Approach in October 2014!
- **EP has resumed work**
 - ❖ Rapporteur Fleckenstein produced report
 - ❖ 90 amendments
 - ❖ Nearly 700 more amendments
 - ❖ Need to conclude – legal uncertainties



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Further action

- **State Aid issues**

- ❖ Port services and transparency Regulation prerequisite – absolute first step
- ❖ Inclusion of ports in Block Exemption – for certain infrastructure types, cases of lesser importance and low aid intensities
- ❖ State Aid Guidelines still to be decided by new Commission
- ❖ **Be careful what you wish for...**

- **Promote social dialogue**

- ❖ Takes time but advances
- ❖ Dialogue no excuse for breach of Treaty rules



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Thank you for your attention !

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European ports:

an engine

for growth

